

4-18-80
Vol. 45 No. 77
Pages 26311-26684

Registered Federal

Friday
April 18, 1980

G.S.A.
324-507
18-Vols

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- 26313 **Arms Export Controls** Executive order
- 26311 **Marginal Oil Wells** Executive order
- 26466 **Health Service Grants** HEW/HSA is accepting applications in fields of primary care research and demonstrations; apply by 5-15-80
- 26484 **CETA** Labor/ETA solicits applications for grants to operate multi-State older worker programs; apply by 6-13-80
- 26660 **Hazardous Air Pollutants** EPA proposes national standard for benzene emissions from maleic anhydride plants; comments by 6-17-80; hearing 5-20-80. (Part III of this issue)
- 26318 **Credit Restraint** FRS amends and clarifies regulations for consumers; effective 4-14-80
- 26319 **Homeowners Associations** Treasury/IRS issues determination of qualification guidelines; effective for taxable years beginning after 12-31-73
- 26450 **High Cost Natural Gas** DOE/EIA announces publication of Alternative Fuel Price Ceilings and Incremental Price Threshold

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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The Federal Register will be furnished by mail to subscribers, free of postage, for \$75.00 per year, or \$45.00 for six months, payable in advance. The charge for individual copies is \$1.00 for each issue, or \$1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Area Code 202-523-5240

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- 26373 Toxicology Testing** EPA proposes additions to Good Laboratory Practice Guidelines; comments by 6-17-80
- 26340 Energy Conservation** USDA/REA proposes to permit deferment of principle repayments from distribution systems to allow consumer loans; comments by 5-19-80
- 26481 Outer Continental Shelf** Interior/GS announces receipt of proposed oil, gas, and sulphur production plans
- 26456 Environmental Impact Statements** EPA announces availability of official filings, week of 4-7 through 4-11
- 26366 Occupational Noise Exposure** Labor/OSHA proposes standards; comments by 6-9-80
- 26370 Pesticides** EPA issues a request for information and comments on registration standards; comments by 5-19-80
- 26480 Outer Continental Shelf** Interior/GS issues notification on disposal of Federal Royalty Oil
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Title 3—

The President

Executive Order 12209 of April 16, 1980

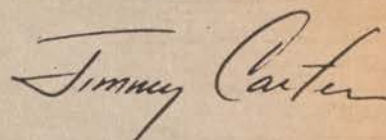
Base Production Control Level for Marginal Properties

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), and notwithstanding the delegations to the Secretary of Energy in Executive Order No. 11790, as amended by Executive Order No. 12038, and in order to permit the conversion to new oil status of all old oil production from marginal oil wells effective April 1, 1980, it is hereby ordered that Executive Order No. 12187 of December 29, 1979, is amended to read as follows:

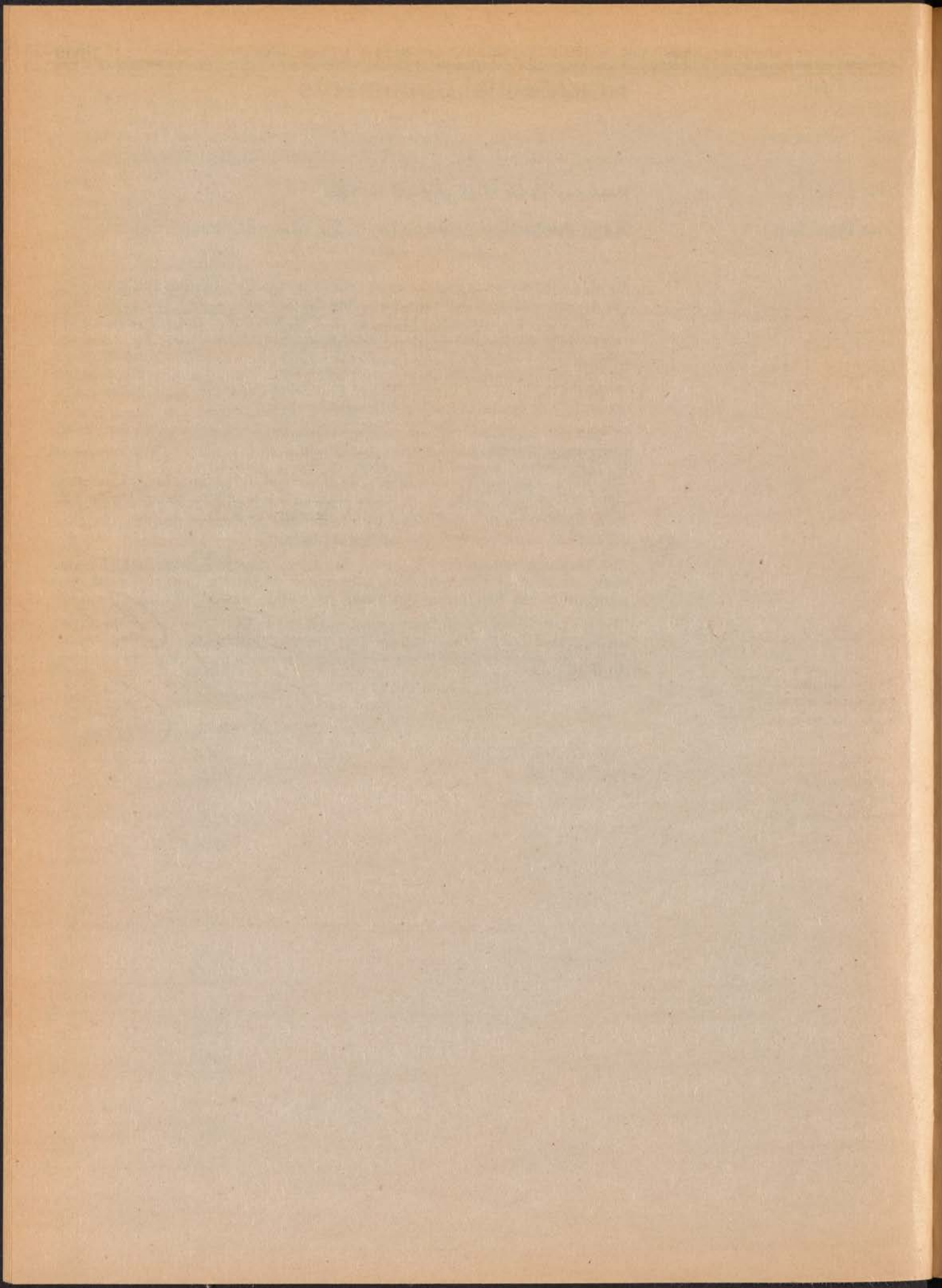
"1-101. For purposes of the pricing regulations adopted pursuant to the Emergency Petroleum Allocation Act of 1973, with respect to the months of January, February and March 1980, the base production control level for marginal properties shall equal 20 percent of the total number of barrels of old crude oil produced and sold from the property concerned during calendar year 1978, divided by 365, multiplied by the number of days during the month in 1978 which corresponds to the months concerned."

"1-102. For purposes of this Order, the term "marginal properties" has the same meaning as that term under the crude oil pricing regulations adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended."

"1-103. The Secretary of Energy may, pursuant to Executive Order No. 11790, as amended by Executive Order No. 12038, adopt such regulations as he deems necessary or appropriate to conform the crude oil pricing regulations to this Order."



THE WHITE HOUSE,
April 16, 1980.



Presidential Documents

Executive Order 12210 of April 16, 1980

Administration of Arms Export Controls

By the authority vested in me as President of the United States of America by the Arms Export Control Act, as amended (22 U.S.C. 2751, *et seq.*), and Section 301 of Title 3 of the United States Code, it is hereby ordered that Executive Order No. 11958, as amended, is further amended, in order to make additional delegations of authority, as follows:

1-101. Section 1(c) is amended to read as follows:

"(c) Those under Section 21 of the Act, with the exception of the last sentence of subsection (d) and all of subsection (i), to the Secretary of Defense."

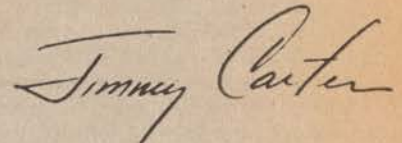
1-102. Section 1(f) is amended to read as follows:

"(f) Those under Sections 24, 27 and 28 of the Act to the Secretary of Defense. The Secretary of Defense, in implementing the functions delegated to him under Section 27, shall consult with the Secretary of State."

1-103. Section 1 is amended by adding the following new subsection:

"(o) Those under Section 43(c) of the Act to the Secretary of Defense."

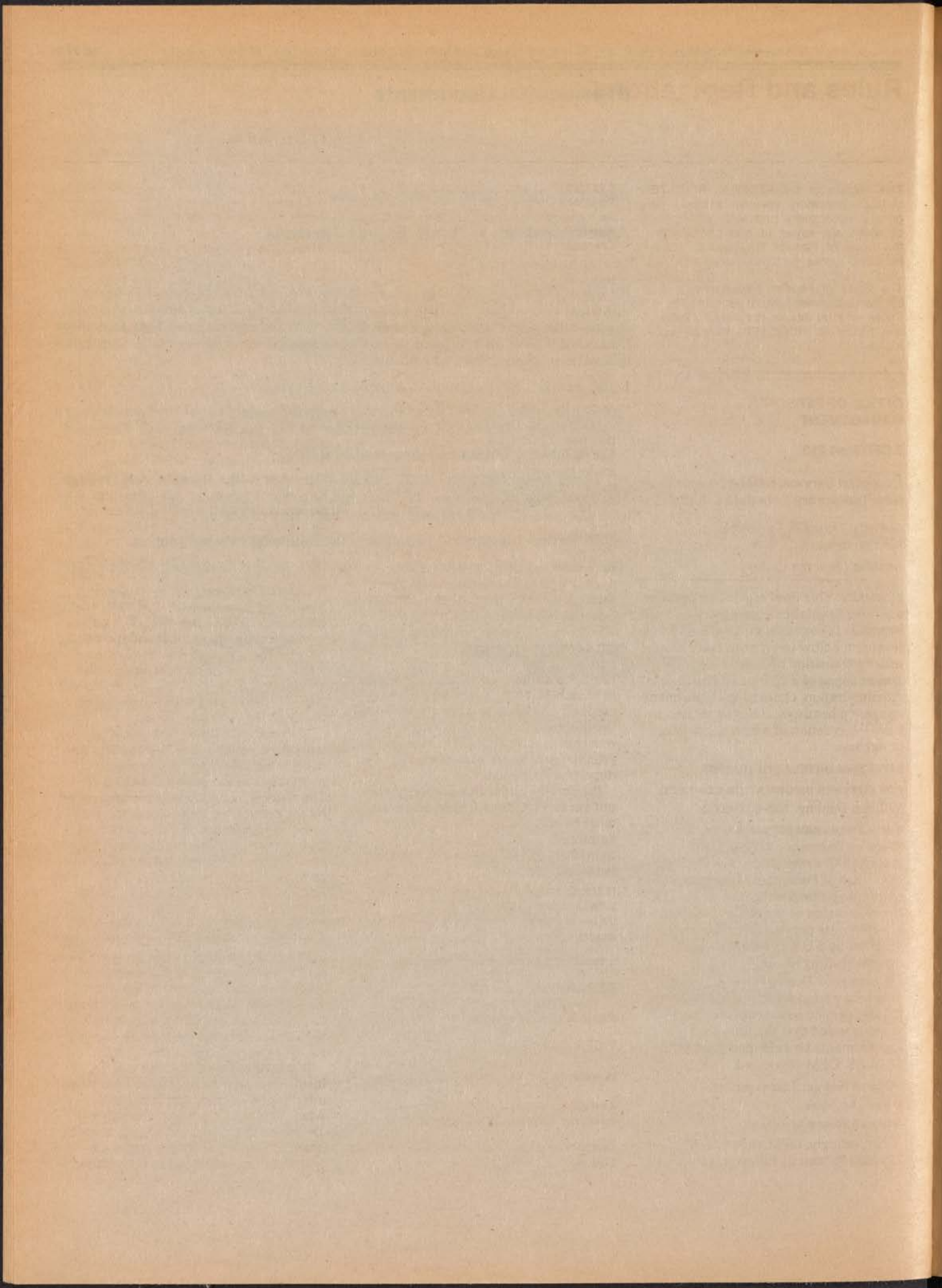
THE WHITE HOUSE,
April 16, 1980.



[FR Doc. 80-12198

Filed 4-17-80; 10:37 am]

Billing code 3195-01-M



Rules and Regulations

Federal Register

Vol. 45, No. 77

Friday, April 18, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Establishment of a New Temporary Schedule C Authority

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: This final regulation permits agencies to establish temporary Schedule C positions at the GS-15 grade level and below in order to facilitate the orderly transition of duties as a consequence of a change in Presidential Administration, changes in Department or agency heads, or changes resulting from the creation of a new department or agency.

EFFECTIVE DATE: April 18, 1980.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202-632-6000.

SUPPLEMENTARY INFORMATION: At 44 FR 70483 on December 7, 1979, OPM proposed this regulation. The Director of the Office of Personnel Management has determined that good cause exists for the suspension of the 30 day delay of effectiveness provision for final rule required by 5 U.S.C. 553(d) because of current staffing needs.

Comments: During the 60 day comment period which ended February 7, 1980, agency comments received recommended that the time limit on appointments be extended from 90 to 120 days. OPM concurred.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, OPM adds 5 CFR 213.3302 to read as follows:

§ 213.3302 Temporary Schedule C Positions During a Presidential Transition, As a Result of Changes in Department or Agency Heads, or at the Time of the Creation of a New Department or Agency.

(a) An agency may establish temporary positions at the GS-15 grade level and below necessary to assist a department or agency head during the period immediately following a change in Presidential Administration, when a new Department or agency head has entered on duty, or at the time of the creation of a new department or agency. Such positions shall be either:

(1) Identical to an existing Schedule C position if intent to vacate that position has been put in writing by management or the present incumbent, such position to be designated as Identical Temporary Schedule C (ITC); or

(2) A new temporary Schedule C position, to be designated New Temporary Schedule C (NTC), when it is determined that the department or agency head's needs cannot be met through establishment of an Identical Schedule C position. The number of NTC positions established by any one agency may not exceed 25% of the total number of permanent Schedule C positions authorized for that agency as of March 31, 1980. In the case of the creation of a new department or agency, the number of NTC positions should be reasonable in light of the size and program responsibilities of that department or agency.

(b) Service under this authority may not exceed 120 days. These positions must be of a confidential or policy-determining character, and are subject to instructions issued by the Office of Personnel Management.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 80-11921 Filed 4-17-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 248; Lemon Reg. 247, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period April 20-26, 1980, and increases the quantity of such lemons that may be so shipped during the period April 13-19, 1980. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective April 20, 1980 and the amendment is effective for the period April 13-19, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202-447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Lemon Administrative Committee upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979-80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 31, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on April 15, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons shows some seasonal improvement.

It is further found that there is insufficient time between the date when information became available upon which this regulation and amendment are based and when the actions must be taken to warrant a 60 day comment period as recommended in E.O. 12044,

and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

1. Section 910.548 is added as follows:

§ 910.548 Lemon Regulation 248.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period April 20, 1980, through April 26, 1980, is established at 260,000 cartons.

(b) As used in this section, "handled" and "cartons" mean the same as defined in the marketing order.

2. Paragraph (a) of § 910.547 Lemon Regulation 247 (45 FR 24858) is amended to read as follows:

§ 910.547 Lemon Regulation 247.

(a) The quantity of lemons grown in California and Arizona which may be handled during the period April 13, 1980, through April 19, 1980, is established at 265,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: April 16, 1980

D. S. Kuryloski,

Director, Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 80-12209 Filed 4-17-80; 11:50 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 75

Contagious Equine Metritis (CEM); Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to release an existing quarantine on a portion of a premises and to place a new quarantine on a different portion of those premises in Boone County, and to place a new quarantine on a portion of a premises in Ste. Genevieve County in the State of Missouri because of the existence of contagious equine metritis (CEM). CEM, a communicable disease of equidae, has been diagnosed among breeding

thoroughbred horses in certain areas of the State of Missouri. In order to protect the equine industry of the United States from this highly contagious communicable disease and the integrity of the export of equidae from the United States, it is necessary to quarantine portions of certain premises in the State of Missouri and to permit the interstate movement of such quarantined animals only in accordance with the provisions established in the regulations. The intended effect of this amendment is to stop the spread of CEM in the United States.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Ralph C. Knowles, USDA, APHIS, VS, Federal Building, Room 738, Hyattsville, MD 20782, 301-436-8433.

SUPPLEMENTARY INFORMATION:

Contagious equine metritis (CEM), a highly contagious, communicable disease of equidae, has been diagnosed in the State of Missouri among breeding horses of the thoroughbred breed.

Section 75.7(b) of the regulations (9 CFR 75.7(b)), is amended to remove the existing quarantine for CEM from one portion of the premises of the Barr Trak Farm, Inc., in Boone County, and to place a quarantine on a different portion of the premises. Additionally, a new quarantine for CEM is placed on a portion of the premises of Dr. Robert Hoyer, in Ste. Genevieve County, Missouri. The imposition of these quarantines is necessary because it has been determined that CEM exists on such premises.

Accordingly, Part 75, Title 9, Code of Federal Regulations, is amended as follows:

1. In § 75.7(b)(1), relating to the State of Missouri, paragraph (i)(A), relating to Boone County is amended to read:

§ 75.7 Areas quarantined.

(b) * * *

(1) *Missouri*—(i) *Boone County.* (A) That portion of the premises of Barr Trak Farm, Inc., located west of Plank Road 570 feet along the southern border of the west one-half of Section 16, T. 47 S, R. 13 W., then, north 225 feet, then, east 360 feet, then, north-northeast 165 feet, then, east-southeast 96 feet, then, north-northeast 27 feet, then, east-southeast 201 feet, then, south-southwest 219 feet, east-southeast 63 feet to Plank Road and then south-southwest 75 feet to the starting point.

2. In § 75.7(b)(1), relating to the State of Missouri, a new paragraph (iii) relating to Ste. Genevieve County is added to read:

(b) * * *

(1) * * *

(iii) *Ste. Genevieve County.* The premises of Dr. Robert Hoyer located in sec. 18, T. 37, R. 8,

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended; [21 U.S.C. 111-113, 115, 117, 120, 121, 123-126], 37 FR 28464, 28477; 38 FR 19141)

CEM is a highly contagious and communicable disease of equidae. The quarantining of specified areas in Missouri is necessary to prevent the spread of CEM from those areas. Consequently, this amendment must be made effective immediately to accomplish its purpose in the public interest.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the *Federal Register*.

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Dr. J. K. Atwell, Associate Deputy Administrator, APHIS, VS, that the emergency nature of this final rule warrants publication without opportunity for public comment and preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 75. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 14th day of April 1980.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 80-11951 Filed 4-17-80; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, (USDA).

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of

Fairfax County in Virginia because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Fairfax County, Virginia, on April 7, 1980. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected area.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8093.

SUPPLEMENTARY INFORMATION: This amendment quarantines a portion of Fairfax County in Virginia because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Virginia and a new paragraph (a)(1) relating to the State of Virginia is added to read:

§ 82.3 Areas quarantined.

(a) * * *

(1) *Virginia.* The premises of Kevin Smith, 4548 Eisenhower Avenue, Alexandria, Fairfax County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

This amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for

making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. C. Jefferies, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 11th day of April 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-11676 Filed 4-17-80; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 92

Importation of Horses From Mexico for Immediate Slaughter; Correction and Receipt of Petition

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of correction and receipt of petition.

SUMMARY: This document withdraws amended § 92.39(b) of the regulations concerning the importation of horses from Mexico for immediate slaughter. This action is necessary because comments received during the 60-day comment period concerning the importation of animals from Mexico for immediate slaughter were inadvertently omitted from consideration in the final rulemaking procedure and the discussion of the rule change in the notice of proposed rulemaking was not accurate. The effect of this action is to leave the provisions of the regulations concerning the importation of horses from Mexico as they were prior to issuance of the new regulations on March 4, 1980 (45 FR 14017-14019) and to consider the comments a petition to require horses imported from Mexico for immediate slaughter to be detained at the port of entry and to be tested as required for all other horses imported into the United States from Mexico.

The purpose of publishing this notice of petition is to give interested persons an opportunity to provide views, data, and other information regarding such detention and testing to the Department so that the Department can determine whether or not such a regulation should be proposed.

DATES: 9 CFR 92.39(b) is withdrawn and 9 CFR 92.34(c) is reinstated effective April 4, 1980.

Comments on the petition should be received on or before June 17, 1980.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 815, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 815, Hyattsville, Maryland 20782. (301) 436-8170.

On Tuesday, August 28, 1979, there was published in the **Federal Register** (44 FR 50351-50353) a proposed amendment to the regulations (9 CFR Part 92) concerning the importation of animals from Mexico. The proposal had many parts to it, including provisions relating to the entry of horses from Mexico into the United States for immediate slaughter.

The proposal published Tuesday, August 28, 1979, provided a 60-day comment period for receipt of comments which expired October 29, 1979. On Tuesday, March 4, 1980, there was published in the **Federal Register** (45 FR 14017-14019) the final rule based on the proposal. The Department reported a total of two comments received. However, two additional comments received during the comment period, through a filing error, were inadvertently omitted from consideration. Both comments expressed concern that untested horses imported from Mexico for slaughter could be substituted with other horses after entry into the United States and, through such substitution, horses possibly affected with a disease could be entered into the United States horse population. Additionally, one of the respondents also stated that there are those who believe that horses in Mexico are as disease free as horses are in the United States, however, there are areas in Mexico that have a lot of horses that no one knows anything about.

The Department wishes to make clear that the requirements for the importation of horses for immediate slaughter from Mexico were not amended by the proposal or final rule. Prior to the formulation of the proposed rule, the Department became aware of some confusion at ports of entry on test requirements for horses from Mexico for immediate slaughter. While the

information provided in the proposal was meant to clarify the requirements of the regulation concerning such importation, unfortunately, the wording of the proposal did indicate that horses for immediate slaughter from Mexico are presently subject to testing as a condition of entry.

The regulations presently do not require testing of such horses. The test requirement for horses in general from Mexico is contained in § 92.34(c) of the regulations. However, § 92.40 permits the entry of horses from Mexico intended for immediate slaughter subject to satisfying certain conditions. None of these conditions include a test requirement. Consequently, the regulations (9 CFR 92.40) exempts horses for immediate slaughter imported from Mexico into the United States from meeting the general test requirement in § 92.34(c). (9 CFR 92.34(c)) provided the requirements in § 92.40 are satisfied.

Consequently, due to the confusion over the matter, the Department will consider the comments received opposing the deletion of a test requirement which presently does not exist, as a petition to require the testing of slaughter horses from Mexico. Further, the Department will withdraw that part of the final rule which concerned amending the provisions of the regulations concerning the importation of horses for immediate slaughter from Mexico.

The final rule published Tuesday, March 4, 1980, provided that § 92.34(c) of the regulations (9 CFR 92.34(c)) be redesignated § 92.39(b) and be amended to read:

(b) Horses intended for importation from Mexico, except horses certified for immediate slaughter, shall be quarantined at a port designated in § 92.3 until they qualify for release from such quarantine. In order to qualify for such release, all horses while so detained shall test negative to an official test for dourine, glanders, equine, piroplasmiasis, equine infectious anemia, and such other tests that may be required by the Deputy Administrator to determine their freedom from other communicable diseases. Such horses shall also be subjected to such other inspections and disinfections deemed necessary by the Deputy Administrator to prevent the introduction of communicable disease and they shall be released from quarantine only if found to be free from communicable disease upon inspection.

§ 92.34 [Amended]

By withdrawing the above amendment § 92.34(c) will remain unchanged and will read:

(c) Horses intended for importation from Mexico shall be quarantined at a port designated in § 92.3 until they

qualify for release from such quarantine. In order to qualify for such release, all horses while so detained shall test negative to an official test for dourine, glanders, equine piroplasmiasis, equine infectious anemia, and such other tests that may be required by the Deputy Administrator to determine their freedom from other communicable diseases. Such horses shall also be subjected to such other inspections and disinfections deemed necessary by the Deputy Administrator, and they shall be released from quarantine only if found to be free from any communicable disease upon inspection.

As stated previously, the Department is regarding the comments concerned with the testing of slaughter horses from Mexico as a petition to amend 9 CFR 92.40 to require test of such horses, as is required for all other horses from Mexico in 9 CFR 92.34(c).

In order to provide for meaningful comment, the Department offers the following information:

The Department pursuant to 9 CFR 92.23 and 92.40 requires that all imported slaughter animals including horses from Mexico be consigned only to slaughter establishments specifically approved by the Department to slaughter such animals. The vehicles transporting the animals are sealed with USDA seals by the port veterinarian at the port of entry. The seals are broken upon arrival at the specifically approved establishment by a Federal or State meat inspector or an employee of the plant designated by both the meat inspector and plant management to break the seals. The animals are held by the operators at the specifically approved establishment in designated pens separate from other animals until slaughtered.

Additionally, procedures specified in 9 CFR 92.33 require that all horses, including slaughter horses imported from Mexico, be inspected at the port of entry and be found free of fever tick infestation and communicable diseases and exposure thereto, and are subject to a precautionary treatment with a tickicide solution.

Accordingly, § 92.39 is withdrawn and § 92.34(c) will not be amended as was provided in Federal Register Docket 80-8587, filed on 3-3-80, and published in the Federal Register on March 4, 1980, at 45 FR 14017-14019.

This notice sets forth the contents of the petition. However, its publication does not represent any agency position on the merits of the petition. After consideration of the available data and comments received in response to this notice, the Department will determine

whether to initiate a rulemaking proceeding based upon the petition.

If rulemaking is appropriate, a notice of proposed rulemaking containing regulatory proposals will be issued by the Department.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 823, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday (7 CFR 1.27(b))).

Comments submitted should bear a reference to the date and page number of this issue in the Federal Register.

Done at Washington, D.C., this 4th day of April 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-12142 Filed 4-17-80; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Subpart A; Docket No. R-0284]

Consumer Credit Restraint

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: On April 2, 1980, the Board amended its consumer credit restraint regulation (45 FR 24444, April 10, 1980) to permit covered creditors to change certain terms relating to certain credit accounts if two conditions were met. First, the creditor would have to mail or deliver a written notice of the proposed change to each affected account holder at least 30 days before the effective date of the change. Second, the creditor would have to allow the account holder to repay the balance outstanding on the effective date according to the existing terms unless the consumer made a credit purchase or obtained a credit advance on or after that date; in which case, the new terms would apply to the outstanding balance plus new credit.

The Board is now making two technical amendments to its April 2 amendment. The first makes clear that the change in terms requirements apply not only to open-end credit accounts where the consumer may pay the balance due in installments subject to a finance charge, but also to open accounts (such as so-called 30-day accounts referred to at 45 FR 17928) where the consumer may make credit purchases or obtain credit advances from time to time, yet is expected to pay in full upon being billed. The intent of

the April 2 amendment was to cover both types of account.

The second technical amendment clarifies that the change in terms provision does not affect the maximum finance charge rate permitted by state law or, for depository institutions, the maximum rate allowed by Title V of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). It makes clear, however, that federal finance charge limitations for other covered creditors, such as the Department of Energy's regulations governing oil company credit programs, are superseded by § 229.6(a) of the credit restraint regulation to the extent that that provision authorizes an action otherwise prohibited by federal law. That was the intent of the April 2 amendment as indicated in the Federal Register supplementary information (45 FR 24444).

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Nathaniel E. Butler, Associate Director, or David A. Myers, Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202-452-3000).

SUPPLEMENTARY INFORMATION: Since the two amendments that are being made to the consumer credit restraint regulation are merely interpretative in nature and do not change the substance of the regulation, the Board finds that publication of the changes for public comment or a delay in their effectiveness is neither necessary nor required under 5 U.S.C. § 553(b). Therefore, pursuant to its authority under the Credit Control Act (12 U.S.C. §§ 1901-1909), as implemented by Executive Order 12201, the Board hereby amends 12 CFR Part 229, Subpart A, §§ 229.6 (a) and (b)(1), effective April 14, 1980, as follows:

§ 229.6 Change in terms of open-end credit accounts.

(a) Notwithstanding the terms of any credit agreement or the provision of any other law, a covered creditor, with respect to its open-end or other open credit accounts, may (1) impose or increase any finance or other charge, (2) change the method of computing the balance upon which charges are imposed, or (3) increase the required minimum periodic payment, if the following two conditions are met.

(b)(1) This section does not authorize a covered creditor to impose a rate of interest or finance charge in excess of the maximum permitted by state law,

nor does it authorize a depository institution (as defined in section 19(b) of the Federal Reserve Act as amended by the Monetary Control Act of 1980) to impose a rate of interest or finance charge in excess of the maximum permitted by federal law.

* * * * *

Board of Governors of the Federal Reserve System, April 14, 1980.
Theodore E. Allison,
Secretary of the Board.

[FR Doc. 80-12021 Filed 4-17-80; 8:45 am]
BILLING CODE 6210-01-M

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Food and Drug Administration

21 CFR Part 184

[Docket No. 78N-0013]

**Sulfuric Acid and Ammonium, Calcium,
Potassium, and Sodium Sulfates;
Correction**

AGENCY: Food and Drug Administration.
ACTION: Correction.

SUMMARY: In FR Doc. 80-2037 appearing at page 6084 in the Federal Register of Friday, January 25, 1980, the following correction is made in the first column of page 6086: In § 184.1230(a), the first CAS Reg. No., "778-18-9", is changed to read "7778-18-9."

FOR FURTHER INFORMATION CONTACT: Agnes Black, Federal Register Writer (HFC-11), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

Dated: April 9, 1980.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-11451 Filed 4-14-80; 8:45 am]
BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 7

[T.D. 7692]

**Income Tax; Homeowners
Associations**

AGENCY: Internal Revenue Service,
Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to homeowners associations. Changes to the applicable tax law were made by the Tax Reform Act of 1976. These regulations provide necessary guidance to the public to determine whether a particular organization qualifies as a homeowners association. If an organization qualifies as a homeowners association, its tax liability may be reduced as a result of the new provision under the Act.

DATE: The regulations are effective for taxable years beginning after December 31, 1973.

FOR FURTHER INFORMATION CONTACT: Phoebe A. Mix of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3671, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On January 9, 1979, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 528 of the Internal Revenue Code of 1954 (44 FR 1985). The amendments were proposed to conform the regulations to section 2101(a) of the Tax Reform Act of 1976 (90 Stat. 1897). After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Explanation of the Regulations

For taxable years beginning after December 31, 1973, homeowners associations described in section 528 of the Code may elect to be subject to the tax imposed by section 528 and to be otherwise exempt from Federal income taxes. To be considered a homeowners association an organization must be either a condominium management association or a residential real estate management association and must meet a number of specific additional requirements. Cooperative housing corporations are not eligible to be treated as homeowners associations.

For an organization to qualify as a homeowners association it must be organized and operated to provide for the acquisition, construction, management, maintenance, and care of association property. In addition, a homeowners association must meet both a source of income test (which generally requires that at least 60 percent of its gross income consist of membership dues, fees, or assessments from members of the association) and an expenditure test (which generally

requires that at least 90 percent of its expenditures be in furtherance of its exempt purposes). If an association meets the required tests and makes the election under section 528, it will not be taxable on that portion of its income which consists of dues, fees, and assessments from its members. To the extent that a homeowners association does have taxable income, it will be taxed (with certain modifications described in section 528 and these regulations) as a corporation taxable under section 11.

Additional Considerations

These regulations are needed in order to provide guidance to the public as well as government employees responsible for the implementation of section 528 of the Internal Revenue Code of 1954. Considering both the direct and indirect effects of these regulations, it is believed that they satisfactorily implement section 2101(a) of the Tax Reform Act of 1976. These regulations do not institute new record-keeping or recording burdens. Evaluation of the effectiveness of the regulations after issuance will be based upon comments received from offices within the Internal Revenue Service and the Treasury Department, other governmental agencies, State and local governments, and the public.

Public Comments

A number of comments were received which suggested that the provisions relating to the use for residential purposes are too restrictive. This has not resulted in any change to the regulations because it is felt that such a change would be in conflict with the statute.

A suggestion was made that § 1.528-8(e) should be amended to provide that organizations exempt under section 501(c)(4) may not have their exempt status revoked retroactively, just prospectively. The standards for revoking an organization's exempt status are beyond the scope of the proposed regulations. Section 1.528-8(e) simply permits an organization whose exempt status has been revoked retroactively to make a timely election under section 528.

Another criticism of the proposed regulations was that they did not adequately take into account the existence of separate subdivisions within the same homeowners association. The final regulations permit the use of association property to be allocated to certain members of the association provided that all members are treated in an equitable manner and have access to comparable facilities. The final regulations require equal access to the same or comparable

property because the legislative history indicates that this was the intent of Congress.

Comments were also received which suggested that the final regulations provide that investment income and income from unrelated activities not be taxed. The final regulations do not reflect these suggestions because to do so would be inconsistent with the statute.

Finally, comments were received which suggested changes that either conflicted with the express statutory language or would have made the regulations unreasonably long and complex. Those suggestions were rejected.

Drafting Information

The principal author of these regulations is Phoebe A. Mix of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of the regulations

After careful consideration, the proposed amendments to the regulations (44 FR 1985) are adopted subject to the following changes:

Paragraph 1. Section 1.528-1 is amended by adding ", residences," after the word "units" in the fifth sentence of paragraph (a), by adding a new sentence at the end of paragraph (a), by deleting paragraph (b) and inserting in its place a new paragraph (b), and by adding a new paragraph (d). The new sentence and paragraphs read as follows:

§ 1.528-1 Homeowners associations.

(a) *In general.* * * * However, if the membership of an organization consists of other homeowners associations, the owners of units, residences, or lots who are members of such other homeowners associations will be treated as the members of the organization for the purposes of the regulations under section 528.

(b) *Condominium.* The term "condominium" means an interest in real property consisting of an undivided interest in common in a portion of a parcel of real property (which may be a fee simple estate or an estate for years, such as a leasehold or subleasehold) together with a separate interest in space in a building located on such property. An interest in property is not a condominium unless the undivided interests in the common elements are vested in the unit holders. In addition, a condominium must meet the requirements of applicable state or local law relating to condominiums or horizontal property regimes.

* * *

(d) *Tenants.* Tenants will not be considered members for purposes of meeting the source of income test under section 528(c)(1)(B) and § 1.528-5. However, the fact that tenants of members of a homeowners association are permitted to be members of the association will not disqualify an association under section 528(c)(1) if it otherwise meets the requirements of section 528(c) and these regulations.

Par. 2. Section 1.528-2 is amended by deleting from the last sentence in paragraph (a) "The term 'articles of association'" and inserting in its place "The term 'articles of organization'".

Par. 3. Section 1.528-3 is amended by adding a sentence immediately after the second sentence in paragraph (a), by deleting the word "and" and inserting in its place the word "or" in the second sentence of paragraph (c), and by amending paragraph (c)(1). Paragraph (c)(1), and the added sentence to paragraph (a), read as follows:

§ 1.528-3 Association property.

(a) *Property owned by the organization.* * * * If two or more facilities or items of property of a similar nature are owned by a homeowners association, and if the use of any particular facility or item is restricted to fewer than all association members, such facilities or items nevertheless will be considered association property if all association members are treated equitably and have similar rights with respect to comparable items or facilities.

* * *

(c) *Privately owned property.* * * *

(1) There is a covenant or similar requirement relating to exterior appearance or maintenance that applies on the same basis to all such property (or to a reasonable classification of such property);

* * *

Par. 3. Section 1.528-4(b) is amended by inserting "swimming pools, tennis courts," after the words "laundry areas," in the last sentences.

Par. 4. Section 1.528-6(c) is amended by adding "(but are not limited to)" immediately after "may include", by redesignating §§ 1.528-6(c)(10) and 1.528-6(c)(11) as §§ 1.528-6(c)(12) and 1.528-6(c)(13) respectively, by amending § 1.528-6(c)(5) and by adding new §§ 1.528-6(c)(10) and 1.528-6(c)(11). Sections 1.528-6(c) (5), (10), and (11) read as follows:

§ 1.528-6 Expenditure test.

* * *

(c) *Examples of qualifying expenditures.* * * *

(5) Legal fees; * * *

(10) Insurance premiums on association property;

(11) Accountant's fees; * * *

Par. 5. Section 1.528-9 is amended by adding "or from tenants of residential

units owned by members (notwithstanding § 1.528-1(d))" after the words "from members" in paragraph (d) and deleting the last sentence in paragraph (a) and inserting in its place two new sentences. The two new sentences read as follows:

§ 1.528-9 Exempt function income.

(a) *General rule.* * * * However, if such excess assessments are applied to a future year's assessments, they will be considered gross income and exempt function income for that future year. In addition, assessments in a taxable year, such as an assessment for a capital improvement, which are not treated as gross income do not enter into the determination of whether the organization meets the source of income test for that taxable year.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: March 31, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

Adoption of the Regulations

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

The amendments to 26 CFR Part 1 and Part 7 are as follows:

Paragraph 1. The following sections are added to read as follows:

Homeowners Associations

§ 1.528-1 Homeowners associations.

(a) *In general.* Section 528 only applies to taxable years of homeowners associations beginning after December 31, 1973. To qualify as a homeowners association an organization must either be a condominium management association or a residential real estate management association. For the purposes of Section 528 and the regulations under that section, the term "homeowners association" shall refer only to an organization described in section 528. Cooperative housing corporations and organizations based on a similar form of ownership are not eligible to be taxed as homeowners associations. As a general rule, membership in either a condominium management association or a residential real estate management association is confined to the developers and the owners of the units, residences, or lots. Furthermore, membership in either type of association is normally required as a condition of such ownership. However, if the membership of an organization consists of other homeowners

associations, the owners of units, residences, or lots who are members of such other homeowners associations will be treated as the members of the organization for the purposes of the regulations under section 528.

(b) *Condominium.* The term "condominium" means an interest in real property consisting of an undivided interest in common in a portion of a parcel of real property (which may be a fee simple estate or an estate for years, such as a leasehold or subleasehold) together with a separate interest in space in a building located on such property. An interest in property is not a condominium unless the undivided interest in the common elements are vested in the unit holders. In addition, a condominium must meet the requirements of applicable state or local law relating to condominiums or horizontal property regimes.

(c) *Residential real estate management association.* Residential real estate management associations are normally composed of owners of single-family residential units located in a subdivision, development, or similar area. However, they may also include as members, owners of multiple-family dwelling units located in such areas. They are commonly formed to administer and enforce covenants relating to the architecture and appearance of the real estate development as well as to perform certain maintenance duties relating to common areas.

(d) *Tenants.* Tenants will not be considered members for purposes of meeting the source of income test under section 528(c)(1)(B) and § 1.528-5. However, the fact that tenants of members of a homeowners association are permitted to be members of the association will not disqualify an association under section 528(c)(1) if it otherwise meets the requirements of section 528(c) and these regulations.

§ 1.528-2 Organized and operated to provide for the acquisition, construction, management, maintenance and care of association property.

(a) *Organized and operated—(1) Organized.* To be treated as a homeowners association an organization must be organized and operated primarily for the purpose of carrying on one or more of the exempt functions of a homeowners association. For the purposes of section 528 and these regulations, the exempt functions of a homeowners association are the acquisition, construction, management, maintenance, and care of association property. In determining whether an organization is organized and operated

primarily to carry on one or more exempt functions, all the facts and circumstances of each case shall be considered. For example, when an organization provides in its articles of organization that its sole purpose is to carry on one or more exempt functions, in the absence of other relevant factors it will be considered to have met the organizational test. (The term "articles of organization" means the organization's corporate charter, trust instruments, articles of association or other instrument by which it is created.)

(2) *Operated.* An organization will be treated as being operated for the purpose of carrying on one or more of the exempt functions of a homeowners association if it meets the provisions of §§ 1.528-5 and 1.528-6.

(b) *Terms to be interpreted according to common meaning and usage.* As used in section 528 and these regulations, the terms acquisition, construction, management, maintenance, and care are to be interpreted according to their common meaning and usage. For example, maintenance of association property includes the painting and repairing of such property as well as the gardening and janitorial services associated with its upkeep. Similarly, the term "construction" of association property includes covenants or other rules for preserving the architectural and general appearance of the area. The term also includes regulations relating to the location, color and allowable building materials to be used in all structures. (For the definition of association property see § 1.528-3.)

§ 1.528-3 Association property.

(a) *Property owned by the organization.* "Association property" includes real and personal property owned by the organization or owned as tenants in common by the members of the organization. Such property must be available for the common benefit of all members of the organization and must be of a nature that tends to enhance the beneficial enjoyment of the private residences by their owners. If two or more facilities or items of property of a similar nature are owned by a homeowners association, and if the use of any particular facility or item is restricted to fewer than all association members, such facilities or items nevertheless will be considered association property if all association members are treated equitably and have similar rights with respect to comparable items or facilities. Among the types of property that ordinarily will be considered association property are swimming pools and tennis courts. On the other hand, facilities or areas set

aside for the use of nonmembers, or in fact used primarily by nonmembers, are not association property for the purposes of this section. For example, property owned by an organization for the purpose of leasing it to groups consisting primarily of nonmembers to be used as a meeting place or a retreat will not be considered association property.

(b) *Property normally owned by a governmental unit.* "Association property" also includes areas and facilities traditionally recognized and accepted as being of direct governmental concern in the exercise of the powers and duties entrusted to governments to regulate community health, safety and welfare. Such areas and facilities would normally include roadways, parklands, sidewalks, streetlights and firehouses. Property described in this paragraph will be considered association property regardless of whether it is owned by the organization itself, by its members as tenants in common or by a governmental unit and used for the benefit of the residents of such unit including the members of the organization.

(c) *Privately owned property.* "Association property" may also include property owned privately by members of the organization. However, to be so included the condition of such property must affect the overall appearance or structure of the residential units which make up the organization. Such property may include the exterior walls and roofs of privately owned residences as well as the lawn and shrubbery on privately owned land and any other privately owned property the appearance of which may directly affect the appearance of the entire organization. However, privately owned property will not be considered association property unless—

(1) There is a covenant or similar requirement relating to exterior appearance or maintenance that applies on the same basis to all such property (or to a reasonable classification of such property);

(2) There is a pro rata mandatory assessment (at least once a year) on all members of the association for maintaining such property; and

(3) Membership in the organization is a condition of ownership of such property.

§ 1.528-4 Substantially test.

(a) *In general.* In order for an organization to be considered a condominium management association or a residential real estate management association (and therefore in order for it

to be considered a homeowners association), substantially all of its units, lots or buildings must be used by individuals for residences. For the purposes of applying paragraph (b) or (c) of this section, and organization which has attributes of both a condominium management association and a residential real estate management association shall be considered that association which, based on all the facts and circumstances, it more closely resembles. In addition, those paragraphs shall be applied based on conditions existing on the last day of the organization's taxable year.

(b) *Condominium management associations.* Substantially all of the units of a condominium management association will be considered as used by individuals for residences if at least 85% of the total square footage of all units within the project is used by individuals for residential purposes. If a completed unit has never been occupied, it will nonetheless be considered as used for residential purposes if, based on all the facts and circumstances, it appears to have been constructed for use as a residence. Similarly, a unit which is not occupied but which has been in the past will be considered as used for residential purposes if, based on all the facts and circumstances, it appears that it was constructed for use as a residence, and the last individual to occupy it did in fact use it as a residence. Units which are used for purposes auxiliary to residential use (such as laundry areas, swimming pools, tennis courts, storage rooms and areas used by maintenance personnel) shall be considered used for residential purposes.

(c) *Residential real estate management associations.* Substantially all of the lots or buildings of a residential real estate management association (including unimproved lots) will be considered as used by individuals as residences if at least 35% of the lots are zoned for residential purposes. Lots shall be treated as zoned for residential purposes even if under such zoning lots may be used for parking spaces, swimming pools, tennis courts, schools, fire stations, libraries, churches and other similar purposes which are auxiliary to residential use. However, commercial shopping areas (and their auxiliary parking areas) are not lots zoned for residential purposes.

(d) *Exception.* Notwithstanding any other provision of this section, a unit, or building will not be considered used for residential purposes, if for more than one-half the days in the association's taxable year, such unit, or building is

occupied by a person or series of persons, each of whom so occupies such unit, or building for less than 30 days.

§ 1.528-5 Source of income test.

An organization cannot qualify as a homeowners association under section 528 for a taxable year unless 60 percent or more of its gross income for such taxable year is exempt function income as defined in § 1.528-9. The determination of whether an organization meets the provisions of this section shall be made after the close of the organization's taxable year.

§ 1.528-6 Expenditure test.

(a) *In general.* An organization cannot qualify as a homeowners association under section 528 for a taxable year unless 90 percent or more of its expenditures for such taxable year are qualifying expenditures as defined in paragraphs (b) and (c) of this section. The determination of whether an organization meets the provisions of this section shall be made after the close of the organization's taxable year. Investments or transfers of funds to be held to meet future costs shall not be taken into account as expenditures. For example, transfers to a sinking fund account for the replacement of a roof would not be considered an expenditure for the purposes of this section even if the roof is association property. In addition, excess assessments which are either rebated to members or applied against the members' following year's assessments will not be considered an expenditure for the purposes of this section.

(b) *Qualifying expenditures.* Qualifying expenditures are expenditures by an organization for the acquisition, construction, management, maintenance, and care of the organization's association property. They include both current operating and capital expenditures on association property. Qualifying expenditures include expenditures on association property despite the fact that such property may produce income which is not exempt function income. Thus expenditures on a swimming pool are qualifying expenditures despite the fact that fees from guests of members using the pool are not exempt function income. Where expenditures by an organization are used both for association property as well as other property, an allocation shall be made between the two uses on a reasonable basis. Only that portion of the expenditures which is properly allocable to the acquisition, construction, management, maintenance or care of

association property, shall constitute qualifying expenditures.

(c) *Examples of qualifying expenditures.* Qualifying expenditures may include (but are not limited to) expenditures for—

- (1) Salaries of an association manager and secretary;
- (2) Paving of streets;
- (3) Street signs;
- (4) Security personnel;
- (5) Legal fees;
- (6) Upkeep of tennis courts;
- (7) Swimming pools;
- (8) Recreation rooms and halls;
- (9) Replacement of common buildings, facilities, air conditioning, etc;
- (10) Insurance premiums on association property;
- (11) Accountant's fees;
- (12) Improvement of private property to the extent it is association property; and
- (13) Real estate and personal property taxes imposed on association property by a State or local government.

§ 1.528-7 Inurement.

An organization is not a homeowners association if any part of its net earnings inures (other than as a direct result of its engaging in one or more exempt functions) to the benefit of any private person. Thus, to the extent that members receive a benefit from the general maintenance, etc., of association property, this benefit generally would not constitute inurement. If an organization pays rebates from amounts other than exempt function income, such rebates will constitute inurement. In general, in determining whether an organization is in violation of this section, the principles used in making similar determinations under Section 501(c) will be applied.

§ 1.528-8 Election to be treated as a home-owners association.

(a) *General rule.* An organization wishing to be treated as a homeowners association under section 528 and this section for a taxable year must elect to be so treated. Except as otherwise provided in this section such election shall be made by the filing of a properly completed Form 1120-H (or such other form as the Secretary may prescribe). A separate election must be made for each taxable year.

(b) *Taxable years ending after December 30, 1976.* For taxable years ending after December 30, 1976, the election must be made not later than the time, including extensions, for filing an income tax return for the year in which the election is to apply.

(c) *Taxable years ending before December 31, 1976, for which a return*

was filed before January 31, 1977. For taxable years ending before December 31, 1976, for which a return was filed before January 31, 1977, the election must be made not later than the time provided by law for filing a claim for credit or refund of overpayment of taxes for the year in which the election is to apply. Such an election shall be made by filing an amended return on Form 1120-H (or such other form as the Secretary may prescribe).

(d) *Taxable years ending before December 31, 1976, for which a return was not filed before January 31, 1977.* For taxable years ending before December 31, 1976, for which a return was not filed before January 31, 1977, the election must be made by October 20, 1980. Instead of making such an election in the manner described in paragraph (a) of this section, such an election may be made by a statement attached to the applicable income tax return or amended return for the year in which the elections made. The statement should identify the election being made, the period for which it applies and the taxpayer's basis for making the election.

(e) *Revocation of exempt status.* If an organization is notified after the close of a taxable year that its exemption for such taxable year under section 501(a) is being revoked retroactively, it may make a timely election under section 528 for such taxable year. Notwithstanding any other provisions of this section, such an election will be considered timely if it is made within 6 months after the date of revocation. The preceding sentence shall apply to revocations made after April 18, 1980. If the revocation was made on or before April 18, 1980, the election will be considered timely if it is made before the expiration of the period for filing a claim for credit or refund for the taxable year for which it is to apply.

(f) *Effect of election—(1) Revocation.* An election to be treated as an organization described in section 528 is binding on the organization for the taxable year and may not be revoked without the consent of the Commissioner.

(2) *Exception.* Notwithstanding paragraph (f)(1) of this section, an election under this section may be revoked prior to July 18, 1980. Such a revocation shall be made by filing a statement with the director of the Internal Revenue Service Center with whom the return of the organization for the year in which the revocation is to apply was filed. The statement shall include the following information.

- (i) The name of the organization.

(ii) The fact that it is revoking an election made under section 528.

(iii) The taxable year for which the revocation is to apply.

§ 1.528-9 Exempt function income.

(a) *General rule.* For the purposes of section 528 exempt function income consists solely of income which is attributable to membership dues, fees, or assessments of owners of residential units or residential lots. It is not necessary that the source of income be labeled as membership dues, fees, or assessments. What is important is that such income be derived from owners of residential units or residential lots in their capacity as owner-members rather than in some other capacity such as customers for services. Generally, for the membership dues, fees, or assessments with respect to a residential unit or lot to be exempt function income, the unit must be used for (or the unit or lot must be expected to be used) for residential purposes. However, dues, fees, or assessments paid to an organization by a developer with respect to unfinished or finished but unsold units or lots shall be exempt function income even though the developer does not use the units or lots. If an assessment is more in the nature of a fee for the provision of services in the course of a trade or business than a fee for a common activity undertaken by a collective group of owners for the purpose of enhancing or maintaining the value of their residences, the assessment will not be considered exempt function income to the organization. Furthermore, income attributable to dues, fees, or assessments will not be considered exempt function income unless each member's liability for payment arises solely from membership in the association. Dues, fees, or assessments that are based on the extent, if any, to which a member avails him or herself of a facility or facilities are not exempt function income. For the purposes of section 528, dues, fees, or assessments which are based on the assessed value or size of property will be considered as arising solely as a result of membership in the organization. Regardless of the organization's method of accounting, excess assessments during a taxable year which are either rebated to the members or applied to their future assessments are not considered gross income and therefore will not be considered exempt function income for such taxable year. However, if such excess assessments are applied to a future year's assessments, they will be considered gross income and exempt function income for that future year. In addition, assessments in a taxable year,

such as an assessment for a capital improvement, which are not treated as gross income do not enter into the determination of whether the organization meets the source of income test for that taxable year.

(b) *Examples of exempt function income.* Assessments which are considered more in the nature of a fee for common activity than for the providing of services and which will therefore generally be considered exempt function income include assessments made for the purpose of—

- (1) Paying the principal and interest on debts incurred for the acquisition of association property;
- (2) Paying real estate taxes on association property;
- (3) Maintaining association property;
- (4) Removing snow from public areas; and
- (5) Removing trash.

(c) *Examples of receipts which are not exempt function income.* Exempt function income does not include—

- (1) Amounts which are not includible in the organization's gross income other than by reason of section 528 (for example, tax-exempt interest);
- (2) Amounts received from persons who are not members of the association;
- (3) Amounts received from members for special use of the organization's facilities, the use of which is not available to all members as a result of having paid the dues, fees or assessments required to be paid by all members;
- (4) Interest earned on amounts set aside in a sinking fund;
- (5) Amounts received for work done on privately owned property which is not association property; or
- (6) Amounts received from members in return for their transportation to or from shopping areas, work location, etc.

(d) *Special Rule.* Notwithstanding paragraphs (a) and (c)(3) of this section, amounts received from members or tenants of residential units owned by members (notwithstanding § 1.528-1(d)) for special use of an association's facilities will be considered exempt function income if—

- (1) The amounts paid by the members are not paid more than once in any 12 month period; and
- (2) The privilege obtained from the payment of such amounts lasts for the entire 12 month period or portion thereof in which the facility is commonly in use. Thus, amounts received as the result of payments by members of a yearly fee for use of tennis courts or a swimming pool shall be considered exempt function income. However, amounts received for the use of a building for an

evening, weekend, week, etc., shall not be considered exempt function income.

§ 1.528-10 Special rules for computation of homeowners association taxable income and tax.

(a) *In general.* Homeowners association taxable income shall be determined according to the provisions of section 528(d) and the rules set forth in this section.

(b) *Limitation on capital losses.* If for any taxable year a homeowners association has a net capital loss, the rules of sections 1211(a) and 1212(a) shall apply.

(c) *Allowable deductions.*—(1) *In general.* To be deductible in computing the unrelated business taxable income of a homeowners association, expenses, depreciation and similar items must not only qualify as items of deduction allowed by chapter 1 of the Code but must also be directly connected with the production of gross income (excluding exempt function income). To be "directly connected with" the production of gross income (excluding exempt function income), an item of deduction must have both proximate and primary relationship to the production of such income and have been incurred in the production of such income. Items of deduction attributable solely to items of gross income (excluding exempt function income) are proximately and primarily related to such income. Whether an item of deduction is incurred in the production of gross income (excluding exempt function income) is determined on the basis of all the facts and circumstances involved in each case.

(2) *Dual use of facilities or personnel.* Where facilities are used both for exempt functions of the organization and for the production of gross income (excluding exempt function income), expenses, depreciation and similar items attributable to such facilities (for example, items of overhead) shall be allocated between the two uses on a reasonable basis. Similarly where personnel are employed both for exempt functions and for the production of gross income (excluding exempt function income), expenses and similar items attributable to such personnel (for example, items of salary) shall be allocated between the two activities on a reasonable basis. The portion of any such item so allocated to the production of gross income (excluding exempt function income) is directly connected with such income and shall be allowable as a deduction in computing homeowners association taxable income to the extent that it qualifies as an item of deduction allowed by chapter 1 of the

Code. Thus, for example, assume that X, a homeowners association, pays its manager a salary of \$10,000 a year and that it derives gross income other than exempt function income. If 10 percent of the manager's time during the year is devoted to deriving X's gross income (other than exempt function income), a deduction of \$1,000 (10 percent of \$10,000) would generally be allowable for purposes of computing X's homeowners association taxable income.

(d) *Investment credit.* A homeowners association is not entitled to an investment credit.

(e) *Cross reference.* For the definition of exempt function income, see § 1.528-9.

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

§ 7.0 [Revoked]

Par. 2. Section 7.0 of this chapter (26 CFR Part 7), promulgated by Treasury Decision 7459, is hereby revoked to the extent it applies to elections under section 528.

[FR Doc. 80-12000 Filed 4-17-80; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 301

[T.D. 7693]

Administrative Review Procedure for Determination of a State Tax Agency's Failure to Safeguard Federal Tax Information

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations concerning procedures for administrative review of a Service determination that a State tax agency has failed to safeguard Federal tax returns or return information received from the Service. Changes to the applicable tax law were made by the Tax Reform Act of 1976. The regulations provide State tax agencies with guidance needed to comply with that Act.

EFFECTIVE DATE: April 18, 1980.

FOR FURTHER INFORMATION CONTACT: John A. Tolleris of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:**Background**

On October 2, 1979, the Federal Register published proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 6103(p)(7) of the Internal Revenue Code of 1954 (44 FR 56715). These amendments were proposed to conform the regulations to certain provisions under section 1202 (a)(1) of the Tax Reform Act of 1976 (90 Stat. 1667). After consideration of all comments received in response to the notice of proposed rulemaking, those amendments are adopted by this Treasury decision as proposed.

Explanation of Provisions

The final regulations provide procedures required by section 6103(p)(7) of the Internal Revenue Code for administrative review by the Commissioner of a determination by the Internal Revenue Service that a State tax agency has failed to safeguard Federal tax returns or return information in accordance with the requirements of section 6103(p)(4). Notwithstanding section 6103(d), such a determination may result in the Service's terminating the disclosure of Federal tax returns or return information to the State tax agency concerned.

The final regulations establish procedures under which a State tax agency may appeal the above-described adverse determination directly to the Commissioner within 30 days after receiving notice thereof. These amendments also provide that, within 45 days after receiving such an appeal, the Commissioner or Deputy Commissioner will personally hold a conference with representatives of the State tax agency.

Several comments were received in response to the notice published in the Federal Register for October 2, 1979. One commentator urged that the Service not discontinue disclosure until the Commissioner reaches a final determination. Another urged that the regulations impose a 45-day deadline within which the Commissioner must make the final determination. After consideration of these comments, the Service concluded that the suggested changes would be inappropriate. Under the final regulations, disclosure of Federal tax returns and return information will not be discontinued following a preliminary determination unless Federal tax administration would otherwise be seriously impaired, in which case disclosure clearly should not continue pending the Commissioner's final determination.

Evaluation of the effectiveness of these regulations will be based on comments received from offices within the Treasury and the Internal Revenue Service, other governmental agencies, State and local governments, and the public. These regulations will impose no new reporting or recordkeeping requirements.

Drafting Information

The principal author of these regulations is John A. Tolleris of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of amendments to the regulations

Accordingly, the regulations proposed to be prescribed as final Regulations on Procedure and Administration (26 CFR Part 301) published as a notice of proposed rulemaking in the Federal Register for October 2, 1979 (44 FR 56715), are hereby adopted as proposed.

This Treasury decision is issued under the authority contained in sections 6103(p)(7) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1685, 26 U.S.C. 6103 (p)(7); 68A Stat. 917, 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: April 7, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

Amendments to the Regulations

The amendments to 26 CFR Part 301 are as follows:

A new § 301.6103(p)(7)-1 is added immediately after § 301.6103(h)(2)-1 to read as follows:

§ 301.6103(p)(7)-1 Procedures for administrative review of a determination that a State tax agency has failed to safeguard Federal tax returns or return information.

(a) *Notice of Service's intention to terminate disclosure to a State tax agency.* Notwithstanding subsection (d) of section 6103, the Internal Revenue Service may terminate disclosure of Federal returns and return information to a State agency, body, or commission described in section 6103(d) (hereinafter in this section referred to as a State tax agency) if the Service makes a determination that:

(1) A State tax agency has made unauthorized disclosure of Federal

returns or return information received from the Service and that the State tax agency has not taken adequate corrective action to prevent repetition of the unauthorized disclosure, or

(2) A State tax agency does not satisfactorily maintain the safeguards described in subsection (p)(4) of section 6103, and has made no adequate plan to improve its system to maintain those safeguards satisfactorily. Prior to terminating disclosure, the Service will notify the State tax agency in writing of the Service's preliminary determination and of the Service's intention to discontinue disclosure of Federal returns and return information to the State tax agency. Upon so notifying the State tax agency, the Service, if it determines that Federal tax administration would otherwise be seriously impaired, may suspend further disclosure of Federal returns and return information to the State tax agency pending a final determination by the Commissioner or Deputy Commissioner described in subparagraph (2) of paragraph (c) of this section.

(b) *State tax agency's right to appeal.* A State tax agency shall have 30 days from the date of receipt of a notice described in paragraph (a) of this section to appeal the preliminary determination described in paragraph (a) of this section. The appeal shall be made directly to the Commissioner.

(c) *Procedures for administrative review.* (1) To appeal a preliminary determination described in paragraph (a) of this section, the State agency shall send a written request for a conference to: Commissioner of Internal Revenue (Attention: C), 1111 Constitution Avenue, NW., Washington, D.C. 20224. The request must include a complete description of the State tax agency's present system of safeguarding Federal returns or return information received from the Service. The request must then state the reason or reasons that the State agency believes that such system, including improvements, if any, to such system expected to be made in the near future, is or will be adequate to safeguard Federal returns or return information received from the Service.

(2) Within 45 days of the receipt of a request made in accordance with the provisions of subparagraph (1) of this paragraph, the Commissioner or Deputy Commissioner will personally hold a conference with representatives of the State tax agency, after which the Commissioner or Deputy Commissioner will make a final determination with respect to the appeal.

[FR Doc. 80-11999 Filed 4-17-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 45

[Order No. 885-80]

Standards of Conduct

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This Order revises 28 CFR 45.735-7, which in accordance with 18 U.S.C. § 207 disqualifies former employees of the Department of Justice from engaging in representational activities before the Department under certain circumstances. The revision is necessary to conform 28 CFR 45.735-7 to the amendments of 18 U.S.C. § 207 enacted by section 501 of the Ethics in Government Act of 1978, Pub. L. 95-521, 92 Stat. 1864, and by Pub. L. 96-28, 93 Stat. 76.

EFFECTIVE DATE: April 18, 1980.

FOR FURTHER INFORMATION CONTACT: Leon Ulman, Deputy Assistant Attorney General, Office of Legal Counsel (202-633-2051).

By virtue of the authority vested in me by 28 U.S.C. § 509 and § 510 and 5 U.S.C. § 301 it is hereby ordered as follows:

PART 45—STANDARDS OF CONDUCT

Part 45 of Chapter I of Title 28, Code of Federal Regulations is amended by substituting the following for § 45.735-7:

§ 45.735-7 Disqualification of former employees; disqualification of partners of current employees.

(a) No individual who has been an employee shall, after his employment has ceased, knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) (1) to any department, agency, court, court-martial, or any civil, military, or naval commission of the United States or the District of Columbia, or any officer or employee thereof, (2) in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest, and (3) in which he participated personally and substantially as an employee through decision, approval, disapproval, recommendation, the rendering of

advice, investigation or otherwise, while so employed. (18 U.S.C. § 207(a))

(b) No individual who has been an employee shall, within two years after his employment has ceased, knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or with intent to influence, make any oral or written communication on behalf of any other person (except the United States) (1) to an organization enumerated in paragraph (a)(1) of this section, or any officer or employee thereof, (2) in connection with any matter enumerated and described in paragraph (a)(2) of this section, and (3) which was actually pending under his official responsibility as an employee within a period of one year prior to the termination of such responsibility. (18 U.S.C. § 207(b)(i))

(c) No individual who has been an employee in an executive level position, in a position with a comparable or greater rate of pay, or in a position that involved significant decisionmaking or supervisory responsibility as designated by the Director of the Office of Government Ethics under 18 U.S.C. § 207(d)(1)(C), shall, within two years after his employment in such position has ceased, knowingly represent or aid, counsel, advise, consult, or assist in representing any other person (except the United States) by personal presence at any formal or informal appearance before (1) an organization enumerated in paragraph (a)(1) of this section, or an officer or employee thereof, (2) in connection with any matter enumerated and described in paragraph (a)(2) of this section, and (3) in which he participated personally or substantially as an employee. (18 U.S.C. § 207(b)(ii))

(d) No individual (other than one who was a special Government employee with service of less than sixty days in a given calendar year) who has been an employee in an executive level position or a position with a comparable or greater rate of pay, or in a position which involved significant decisionmaking or supervisory responsibility as designated by the Director of the Office of Government Ethics under 18 U.S.C. § 207(d)(1)(C), shall, within one year after such employment has ceased, knowingly engage in conduct described in the next sentence. The prohibited knowing conduct is that of acting as attorney or agent for, or otherwise representing, anyone other than the United States in any formal or informal appearance before, or with the intent to influence, making any oral or written communication on behalf of anyone

other than the United States (1) to the Department of Justice, or any employee thereof, (2) in connection with any rulemaking or any matter enumerated and described in paragraph (a)(2) of this section, and (3) which is pending before this Department or in which it has a direct and substantial interest. (18 U.S.C. § 207(c); but see 5 CFR 737.13, 737.31 and 737.32)

(e) No partner of an employee shall act as agent or attorney for anyone other than the United States before an organization enumerated in paragraph (a)(1) of this section, or any officer or employee thereof, in connection with any matter enumerated and described in paragraph (a)(2) of this section in which such Government employee is participating or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of his official responsibility.

(18 U.S.C. § 207(g))

Dated: April 9, 1980.

Benjamin R. Civiletti,
Attorney General.

[FR Doc. 80-12013 Filed 4-17-80; 8:45 am]

BILLING CODE 4410-01-M

VETERANS ADMINISTRATION

38 CFR Part 4

Schedule for Rating Disabilities; New Diagnostic Code

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Schedule for Rating Disabilities is being amended to include the new diagnostic classification of post-traumatic stress (disorder). This diagnostic entity is presently being used by the psychiatric profession and as adopted will go into use in the VA health clinics on October 1, 1980. The addition of this new diagnostic entity to the rating schedule will eliminate the necessity of rating by analogy to another listed diagnostic entity, and will provide statistical data.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Robert C. Macomber, (202-389-2635).

SUPPLEMENTARY INFORMATION: The diagnostic classification designated Diagnostic Code 9411 Post-traumatic Stress Neurosis (Disorder) is being included in the rating schedule to conform with the American Psychiatric Association nomenclature contained in their Diagnostic and Statistical Manual

of Mental Disorders, Third Edition, (DSM III).

Compliance with the provisions of 38 CFR 1.12, as to notice of proposed regulatory development, will serve no useful purpose because this amendment to the rating schedule is for procedural and statistical purposes only.

Approved: April 11, 1980.

Max Cleland,
Administrator.

1. In § 4.132, a new diagnostic code and diagnostic entity are added immediately following diagnostic code 9410. Other and unspecified neurosis:

§ 4.132 Schedule of ratings—mental disorders.

Psychotic Disorders

* * * * *

9411 Post-traumatic stress neurosis
(disorder)

* * * * *

[FR Doc. 80-11919 Filed 4-17-80; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1455-5]

Approval and Promulgation of Implementation Plans; Revision to Oregon Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Environmental Protection Agency today approves a revision to the State of Oregon's field burning regulations.

The State of Oregon Department of Environmental Quality (DEQ) submitted to EPA on May 14, 1979, proposed revisions to the field burning regulations which are presently enforceable as part of the Oregon State Implementation Plan (SIP). On August 3, 1979 EPA proposed in the Federal Register (44 FR 45647) approval of that Oregon submittal. However, EPA did note that there were problems with the submittal which needed to be resolved before final approval could be given. Subsequently, DEQ submitted amendments to their revision in order to correct the problems discussed in the August 3, 1979 Federal Register.

On January 8, 1980 (45 FR 1643) EPA repropoed to approve the submittal as amended. However, EPA did note that the amendments had not adequately resolved all of the problems. The remaining problem was that the

regulation by itself may not ensure the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and the Prevention of Significant Deterioration (PSD) increments. However, in conjunction with two other SIP elements; namely, a strategy for attainment of the secondary annual NAAQS for total suspended particulates in the Eugene-Springfield Air Quality Maintenance Area and smoke management program operational guidelines, it is EPA's opinion that the overall SIP will be sufficient to ensure that the NAAQS and PSD increments will be met. The field burning operations manual was submitted on March 11, 1980 for inclusion in the SIP. The Eugene-Springfield attainment strategy must be submitted to EPA no later than July 1, 1980.

EFFECTIVE DATE: April 18, 1980.

ADDRESSES: Copies of the Oregon submittal may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library System Branch, Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460;

Library, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: George C. Hofer, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101, Telephone No. (206) 442-1125 (FTS) 399-1125.

SUPPLEMENTARY INFORMATION:

Background

The open burning of grass seed fields in the State of Oregon has been recognized as a very sensitive and complex air pollution problem for a number of years. EPA's involvement in a control program for Oregon open field burning dates from 1972. In May 1972, the Administrator of EPA approved the Oregon State Implementation Plan (SIP) which had been submitted to EPA in accordance with Section 110 of the Clean Air Act. Included in that plan were Oregon Revised Statutes, 449.930 through 449.943, Field Burning, and a control strategy for total suspended particulate (TSP) which called for a total ban on open field burning in the Willamette Valley as of January 1, 1975.

The 1975 session of the Oregon Legislature, however, amended the applicable statute to eliminate the total ban and to replace it with a program to phase down the number of acres burned each year so that by 1978 and each year thereafter no more than 50,000 acres could be open burned. These legislative

changes, as reflected in administrative regulations which substituted a phase down program for a total ban of open field burning, were submitted to EPA on August 1, 1975 and February 17, 1976 as proposed revisions to the Oregon SIP. After determining that these revisions met the requirements of Section 110 of the Clean Air Act (hereafter referred to as the Act) and EPA's public participation provisions (40 CFR Part 51) the Administrator approved the revisions on April 18, 1977.

In 1977, the Oregon Legislature again amended the State statute regarding field burning. The major changes included: (1) Increasing the maximum number of acres allowed to be burned to 195,000 in 1977 and 180,000 in 1978 and leaving it up to the Environmental Quality Commission (EQC) to determine the number of acres to be burned in subsequent years; (2) Changing the language of the previous statute so that the EQC must authorize the maximum allowable acreage "unless the EQC finds after hearing that other reasonable and economically feasible alternatives to the practice of annual open field burning have been developed" (ORS 468.475). Previous wording of the statute allowed maximum acreage to be authorized "only if" the EQC found that reasonable alternatives to open burning were not available.

Thereafter, on July 15, 1977 the EQC amended the state administrative regulation OAR, 340-26-005 through 26-030, to comply with the 1977 statute. These regulations were then submitted to EPA for consideration as a proposed SIP revision on October 6, 1977. EPA reviewed the amended regulation and determined that it did not meet either the substantive or the procedural requirements of the Act and therefore would have to be disapproved.

On January 27, 1978 EPA informed the State of Oregon of its findings and provided the State an opportunity to correct the noted procedural and substantive deficiencies. The Oregon State Department of Environmental Quality (DEQ) decided not to correct the proposed SIP Revision prior to the 1978 burning season, but opted instead to develop an interim control strategy for the 1978 field burning season. The EQC approved a one-year interim control strategy, which in conjunction with a number of additional control measures and a comprehensive study, provided for the burning during the 1978 burning season of up to 180,000 acres of grass fields. This compromise between interested parties, which included the Oregon Seed Council, resulted in the

recorded burning of 154,000 acres during the 1978 season.

During the above noted SIP revision activity, EPA issued a Notice of Violation (NOV) to the State of Oregon for violation of its SIP provisions during the 1977 field burning season by permitting the burning of 171,500 acres in the Willamette Valley, substantially in excess of the 95,000 acre SIP limitation approved by EPA in April 1977.

The DEQ, following its statutory mandate, again submitted to EPA on May 14, 1979 a proposed revision to the Oregon SIP which was adopted by the EQC on December 15, 1978. This proposed SIP revision for field burning also complied with the 1977 statute but included a number of additional control measures to further minimize the impact of field burning. On June 28, 1979 DEQ resubmitted to EPA its proposed SIP revision as amended on May 25, 1979. These amendments were made in response to several issues raised by EPA staff subsequent to EPA's receipt of the May 14, 1979 submittal. In an associated action, on June 29, 1979, the EQC adopted temporary rules with respect to field burning (OAR 340-26-005, 015). These temporary rules were submitted to EPA on July 5, 1979 as amendments to the June 28, 1979 submittal.

In a SIP-related matter, on July 17, 1979, EPA issued a NOV to the State of Oregon for violation of the prohibition in the SIP against the issuance of permits for more than 50,000 acres during the 1979 field burning season. Records indicate that approximately 150,000 acres were burned during the 1979 field burning season, substantially in excess of the SIP allowable.

On July 31, 1979 Governor Victor Atiyeh citing Section 110(g)(1) of the Clean Air Act, signed Executive Order 79-14. The order was intended to suspend subsection (2)(g) of ORS 468.475(g) of the federally approved Oregon SIP which placed a 50,000 acre limitation upon open field burning. The temporary emergency suspension issued by the Governor failed to meet the procedural requirements of Section 110(g) of the Act and was therefore invalid on its face.

On August 3, 1979 EPA proposed in the *Federal Register* approval of the Oregon submittal (44 FR 45647). However, EPA noted a number of substantive concerns regarding the technical support documents for the proposed revision which were submitted to EPA at that time. Additionally, EPA raised a number of concerns with the proposed field burning regulations themselves. Further, EPA identified

procedural problems associated with the State submittal. EPA noted in the initial *Federal Register* proposal that these various concerns made it difficult to determine whether the proposed SIP relaxation would satisfy all of the applicable requirements of the Act. These concerns are outlined below.

1. While the public did have an opportunity to review and comment on the field burning regulation itself prior to adoption on December 15, 1978 and as further amended on May 25, 1979, the public was not afforded an opportunity to review and comment on the data and the technical analysis which the State submitted to EPA in support of the SIP revision.

2. The amendments to the field burning regulation which were adopted by the EQC on June 29, 1979 were not preceded by adequate public notice as specified by the Act (Section 110 and 40 CFR 51.4).

3. The regulation provided exemptions to certain regulatory requirements for those specific days classified by DEQ as having "unlimited ventilation." However, the regulation appeared to preclude a classification of unlimited ventilation thus making the application of the exemptions ambiguous. Therefore, it was suggested that the exemptions be removed or that the ability to classify a day as unlimited ventilation be established. If a new classification of unlimited ventilation was to be established, then regulations covering those conditions needed to be developed.

4. If a classification of unlimited ventilation were to be established in accordance with concern No. 3 above, the exemptions for acreage restrictions and burning techniques would become operative parts of the regulations. In that instance the continuous emission control requirements of the Act may not be satisfied. Also, the waiver for rainfall restrictions may not ensure continuous emissions control.

5. The regulations only limited the amount of acreage that could be burned experimentally for the 1979 season. After 1979 there was to be no limit on the amount of experimental burning allowed. The SIP revision was therefore unapprovable since it could not show continued maintenance of the standards.

6. The regulation would allow the EQC to establish new annual acreage limitations every other year, thus revising the provisions of an approved SIP. This would preempt the Administrator's statutory responsibility to review and approve any SIP revision in accordance with the Act [Section 110(a)(3)(A)].

7. It was EPA's understanding that the State intended to control field burning emissions through the use of relative humidity as an alternative to fuel moisture content. However, the means whereby the State intended to implement its proposed approach were unclear. Also, if implemented in the manner suggested in the regulations, it was unlikely to be effective in reducing actual emissions. It was suggested that, rather than classifying days as prohibition conditions based on relative humidity, the burning of individual fields within a local fire district be restricted based on relative humidity in a manner similar to the rainfall restriction.

8. The technical support documents were inadequate. First, the demonstrations of attainment for the 24-hour National Ambient Air Quality Standards (NAAQS) and 24-hour Prevention of Significant Deterioration (PSD) increments did not appear to include consideration of a reasonable worst case scenario. The demonstrations focused only on days with the highest recorded TSP levels without a showing that such days included the maximum expected impact of field burning. It was suggested that, rather than increasing 24-hour TSP levels on days with the highest values in proportion to the annual acreage increase, an approach be used which evaluates the 24-hour impact of field burning on individual monitors under a reasonable worst case burning quota release scenario allowed by the regulation. This would involve analyzing days with probable field burning impact and the conditions which resulted in such impact.

Second, the demonstrations of attainment and other supporting documentation contained inconsistent and apparently conflicting information and results. Different approaches and analytical techniques produced results not supported by other data included in the documents. It was suggested that all available data and the results from all analyses conducted (for example chemical mass balance results, nephelometer readings, and days with known smoke intrusions) be utilized to the fullest extent possible in order to provide accurate and consistent estimates of the impact of the revision.

In the August 3, 1979 proposal (44 FR 45649), EPA suggested steps which the State of Oregon could explore to remedy the problems noted by EPA. The State followed these suggestions and on August 31, 1979 and September 21, 1979 held public hearings to readopt the June 29, 1979 amendments as permanent and adopt new amendments as necessary to

correct the identified problems. These amendments were submitted to EPA on September 13, 1979 and October 10, 1979, respectively. Revised technical support documents were also submitted to EPA on September 13, 1979. EPA's findings regarding the identified concerns are outlined below.

Concerns (1) and (2)—Adequate notice and opportunity for public review and comment: The data and technical analyses were available to the public as of July 5, 1979. Subsequent public hearings held on August 31, 1979 and September 21, 1979 were preceded by adequate public notice. Therefore, EPA finds that the procedural concerns have been adequately resolved.

Concern (3)—"Unlimited ventilation" classification: The description of "unlimited ventilation conditions" has been deleted from the daily classification section [340-26-015(1)] and placed into the definition section [340-26-005], thus making it clear that each day will be classified as either "marginal conditions" or "prohibition conditions" consistent with the remainder of the regulation. As the regulation now reads, "unlimited ventilation conditions" can exist but the day will still be classified as "marginal" and the appropriate regulations for "marginal conditions" apply. Therefore it is EPA's finding that this concern has been adequately resolved.

Concern (4)—Requirements for continuous emission control: Subsection 340-26-013(1)(6)(A) of the regulations allows additional acres to be burned on days with "unlimited ventilation conditions" where the annual acreage limitation had previously been reduced from 180,000 acres to 150,000 acres because of documented smoke intrusions. However, since this provision cannot authorize burning in excess of the proposed SIP limit of 180,000 acres it is EPA's finding that the provision adequately complies with the continuous control requirements of the Act.

The State deleted the "unlimited ventilation" exemption from the provision which requires the use of specific burning techniques [340-26-015(4)(e)]. As the regulation now stands, all fields are required to be burned using perimeter firing except that regular burning is required whenever severe fire hazards exist. Also, into-the-wind strip-lighting is required on all annual grass seed and cereal crop fields whenever such burning technique would further reduce adverse smoke effects. Therefore, EPA finds that this provision adequately complies with the continuous control requirements of the Act.

The waiver for rainfall restrictions [340-26-015(4)(f)(B)] allows the DEQ to waive the prohibition against burning after rainfall on a field-by-field or area-by-area basis if dry fields are available through special preparation or unusual rainfall patterns. In addition, wind direction and dispersion conditions must be appropriate for burning with minimum smoke impact. Since even with the use of the waiver only dry fields are burned, EPA finds that the provision adequately complies with the continuous control requirements of the Act.

Concern (5) Limitations on experimental burning: The State amended 340-26-013(6)(a) to limit experimental burning to a maximum of 7,500 acres annually. Therefore, EPA has determined that this concern has been adequately resolved.

Concern (6) EQC ability to establish new acreage limitations every other year: The State deleted this provision [originally 340-26-013(1)(c)] from the SIP regulation, thus clarifying that the SIP acreage limitation would be 180,000 acres annually unless revised through appropriate procedures. Therefore, EPA finds that this concern has been adequately resolved.

Concern (7) Implementation of relative humidity restrictions: The approach for implementing a restriction on burning based on relative humidity has been changed from one of using a valley-wide "prohibition condition" classification to one which restricts burning on a fire district-by-fire district basis. The revised approach will utilize measured relative humidity in each district where the burning permits are actually validated. This approach will be both implementable and enforceable and as such, EPA finds that this concern has been adequately resolved.

Concern (8) Adequacy of the technical documentation for attainment and maintenance of NAAQS and PSD increments: The revised support document as submitted by the State still is not adequate to demonstrate attainment and maintenance of the NAAQS and PSD increments. The demonstrations for the annual TSP NAAQS and PSD increments are based on an analysis technique which significantly underestimates the impact of field burning when compared with the results of other techniques. The demonstrations for the 24-hour TSP NAAQS and PSD increments are based on lower emissions than would be allowed under the regulation.

Because of continued deficiencies in the State submitted technical demonstration EPA reviewed the results of studies performed during the 1978

burning season. The results of these studies, with respect to the impact of this revision upon air quality, can be summarized as follows: (1) field burning appears to be a significant contributor to the secondary annual TSP standard violations in the Eugene-Springfield Air Quality Maintenance Area (AQMA); (2) the proposed increase in acres allowed to be burned is not likely to cause the annual Class II PSD increment for TSP to be exceeded in the attainment and unclassifiable areas of the Willamette Valley; and (3) it appears that the provisions of the regulation may not be adequate by themselves to prevent violations of the 24-hour TSP NAAQS and 24-hour PSD increments.

Subsequently, on January 8, 1980, EPA published a repurchase notice in the *Federal Register* (45 FR 1643). In this notice, EPA indicated that the September 13, 1979 and October 10, 1979 submittals had adequately resolved all but one of the concerns. EPA further indicated that the remaining concern would be resolved with the immediate submission of smoke management program operational guidelines and the submission, by July 1980, of the SIP attainment strategy for the Eugene-Springfield TSP nonattainment area. The *Register* invited public comment on EPA's proposed approval and indicated that final action would be taken upon receipt of the smoke management program operational guidelines. On March 11, 1980, DEQ submitted the operational guidelines. Additional, no comments were received on this repurchase notice.

Rationale for Action

The regulation governing field burning is but one of many regulations and programs in the Oregon SIP for controlling sources of particulates. The combined result of these individual SIP elements must be the attainment and maintenance of the TSP NAAQS and PSD increments. With this broad viewpoint, it is EPA's opinion that the proposed field burning regulation, in conjunction with the two additional SIP elements discussed below, is sufficient to ensure the attainment and maintenance of the NAAQS and PSD increments. Therefore, EPA is approving the Oregon submittal.

1. *SIP Strategy for Attainment of Secondary Annual TSP NAAQS in Eugene and Springfield.* The Eugene-Springfield AQMA is currently designated as a nonattainment area for the secondary TSP NAAQS and as such, a SIP attainment strategy must be submitted to EPA by July 1, 1980. That attainment strategy must adequately account for the contribution of field

burning to the AQMA's TSP problem and provide for emission reductions necessary to attain and maintain NAAQS. Approval of this revision may result in the burning of more acres in any one year than were burned in any one of the previous three years. Nevertheless, it is EPA's opinion that, due to the imposition of additional control measures, the burning of such increased acreage is not likely to result in either an increase in actual emissions or an exacerbation of the existing nonattainment problem. Thus, approval of the revision at this time is justified. However, it must be recognized that the approval of the Eugene-Springfield TSP attainment strategy will be contingent upon an adequate accounting of the continued contribution of field burning.

2. *Smoke Management Program Operational Guidelines.* The regulation provides adequate authority for a program to regulate field burning. This program provides for the release by DEQ of fractional, single, or multiple quotas of acres which can be burned on any given day. However, the regulation contains neither an explicit limitation on the acreage amount which DEQ can allow to be burned nor the criteria upon which DEQ bases its decision of how many quotas to release for burning.

The procedures whereby the regulation is actually implemented, including the decision criteria for releasing quotas, are embodied in the Oregon Field Burning Smoke Management Program Operational Guidelines which were submitted to EPA on March 11, 1980 for inclusion in the SIP. The fact that these procedures are effective in preventing violations of the 24-hour NAAQS is evidenced in that field burning has not caused or significantly contributed to violations during the past three years with a program designed to burn 180,000 acres. If the control program (including the 180,000 acre annual limitation) continues to function with equal effectiveness, it appears that violations of the 24-hour TSP NAAQS and PSD Class II increments will not occur. Based upon this past performance, EPA feels that the regulation is approvable.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

1. In § 52.1970 subparagraph (c)(26) is added as set forth below:

§ 52.1970 Identification of Plan.

(c) The plan revisions listed below were submitted on dates specified:

* * * * *

(26) Revision to the field burning regulations submitted on June 28, 1979; September 13, 1979, October 10, 1979; and March 11, 1980 by the Department of Environmental Quality.

(Sec. 110 and 172, Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: April 10, 1980.

Douglas M. Costle,
Administrator.

[FR Doc. 80-11901 Filed 4-17-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[FRL 14661-1; 80P-71]

Aluminum Phosphide; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the fumigant phosphine resulting from application of aluminum phosphide on sesame seed at 0.1 part per million (ppm). The regulation was requested by Phostoxin Sales, Inc. This rule establishes a maximum permissible level for residues of phosphine on sesame seed.

EFFECTIVE DATE: Effective on April 18, 1980.

FOR FURTHER INFORMATION CONTACT: William Miller, Product Manager (PM) 16, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460 (202-426-9458).

SUPPLEMENTARY INFORMATION: On August 29, 1979 notice was given (44 FR 50640) that Phostoxin Sales, Inc., 2221 Poplar Blvd., Alhambra, CA 91802, had filed a pesticide petition (PP 9F2239) with the EPA under provisions of the Federal Food, Drug, and Cosmetic Act. This petition proposed that 40 CFR 180.225 be amended to establish a tolerance for residues of the fumigant phosphine in or on the raw agricultural commodity sesame seed at 0.1 ppm resulting from postharvest treatment of the commodity with aluminum phosphide. No comments were received in response to this notice of filing.

The data submitted in support of the petition and other relevant material have been evaluated. The toxicological data submitted in support of the proposed tolerance included acute and subacute inhalation studies of phosphine on various animal species. No chronic toxicity data for phosphine

residues have been reviewed because such studies are considered unnecessary for the following reasons:

1. Only extremely small quantities of residues remain on treated food after aeration.

2. The small quantities of residues that remain would be further reduced through routine follow-up procedures, such as cleaning and processing.

No data have been reported in previous petitions nor in this one regarding the transfer of residues resulting from the proposed use to meat, milk, poultry, and eggs. Because phosphine is a highly reactive and fugitive gas, residues of phosphine are not reasonably expected in meat, milk, poultry, and eggs (40 CFR 180.6(a)(3) applies). An adequate analytical method is available for enforcement purposes. Tolerances have previously been established for (40 CFR 180.225) for residues of phosphine on a variety of raw agricultural commodities at 0.1 ppm. No regulatory action is pending against the continued registration of phosphine, nor is any additional information needed. An acceptable daily intake (ADI) cannot be determined for phosphine since a chronic-feeding no-observed-effect level (NOEL) for a gas is experimentally impossible to achieve. The tolerance is adequate because of the very low probability of actual exposure to toxicologically significant quantities of phosphine gas from the application of aluminum phosphide.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the tolerance of 0.1 ppm on sesame seed established by amending 40 CFR 180.225 will protect the public health. It is concluded, therefore, that the tolerance be established as set forth below.

Any person adversely affected by this regulation may, on or before May 19, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and

it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on April 18, 1980 Part 180 is amended as set forth below.

Part 180, Subpart C, § 180.225 is amended by alphabetically inserting sesame seed at 0.1 ppm in the table to read as follows:

§ 180.225 Aluminum phosphide; tolerances for residues.

Commodity:	Parts per million
* * * * *	
Sesame seed	0.1
* * * * *	

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a (d)(2)))

Dated: April 11, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-11970 Filed 4-17-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 775

Tetrachlorodibenzo-P-Dioxin; Prohibition of Disposal

Cross Reference: An immediately effective proposed rule relating to the storage and disposal of waste material (Tetrachlorodibenzo-P-Dioxin) was published at 45 FR 15592, March 11, 1980. For a notice announcing an expedited hearing and shortened comment period on that rule see FR Doc. 80-12098 appearing in the Proposed Rules section of this Federal Register. Refer to the Contents under Environmental Protection Agency for the correct page number.

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5766]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule; Correction.

SUMMARY: In the Federal Register, Docket No. FEMA 5776 appearing at page 10346 in the issue of Friday, February 15, 1980, Idaho County, Idaho's

suspension was withdrawn in error. The community is suspended as of January 16, 1980. Refer to Federal Register publication issued Friday, January 18, 1980, page 3579 for further information.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-12051 Filed 4-17-80; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1435]

Various Railroads Authorized To Use Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1435.

SUMMARY: Throughout the Chicago, Rock Island and Pacific Railroad Company (RI) rail network there are numerous locations where the RI and other railroads conduct joint operations by the use of RI owned tracks and/or facilities. The use of these tracks and/or facilities is essential to the continued operations of the other railroads.

Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI) as listed in Appendix A to this order. This appendix contains facilities in addition to those listed in Service Order No. 1435, service date March 11, 1980.

DATES: Effective date: 12:01 a.m., April 4, 1980.

Expiration date: 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: April 2, 1980.

Certain properties of the Chicago, Rock Island and Pacific Railroad

Company (RI) have been operated by the Kansas City Terminal Company (KCT) under the authority of Directed Service Order No. 1398 and Supplements thereto. The directed service authorized under this order expired at 11:59 p.m., March 23, 1980.

Throughout the RI rail network there are numerous locations where the RI and other railroads conduct joint operations by the use of RI owned tracks and/or facilities. The use of these tracks and/or facilities is essential to the continued operations of the other railroads.

It appears that contract negotiations between the RI Trustee and the other affected railroads for the joint use of these RI tracks and/or facilities may not be consummated before directed service under Directed Service Order No. 1398 ends.

Without the use of these RI tracks and/or facilities, which heretofore had been jointly operated, the continued operations of other railroads will be interrupted or seriously impeded, with adverse effect on shippers and the interstate commerce over a large area of the United States.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendix be authorized to conduct the operations, also identified in the attachment, using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered,

§ 1033.1435 Service Order 1435.

(a) Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor, (William M. Gibbons, Trustee). Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI) as listed in Appendix A to this order.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service essential to their continued operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(d) In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities, one of the affected carriers will perform the

maintenance and have supervision over the operations in behalf of all the carriers, as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(e) It is recognized that there may be other carrier(s) and/or location(s), in addition to those listed in the Appendix, where the use of RI tracks and/or facilities is necessary. If such be the case, the affected railroad(s) should apply to the Railroad Service Board and furnish information setting out the applicant carrier's corporate name, trackage and/or facility involved, location, and all pertinent data relating to the necessity of the use of such track or facility. The Railroad Service Board will consider such applications for addition to Appendix A.

(f) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection

entitled "Labor Protection Agreement between Railroad Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association" (sometimes referred to as the Miami Accords and/or the 13 Principles). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if the carrier(s) chooses to exercise the authority granted by this decision, it/they shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(g) *Effective date.* This order shall become effective at 12:01 a.m., April 4, 1980.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304-10305 and 11121-11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,
Secretary.

Line No. and location to be operated	Railroads using	Rock Island functions to be performed
1 Rock Island Jct., IL switches	C&O/B&O, CWP&S, CR, CSL	Track maintenance.
2 To ICG connection Cottage Grove Ave., Chicago, IL	CWP&S	Track maintenance.
3 Ironton Branch, Chicago, IL	CWP&S, CR	Track maintenance.
4 Chicago, IL Regional Port District Lake Calumet Harbor West Side	ICG, CR, CSSB	Track maintenance.
5 Chicago (LaSalle St. Station), Joliet, IL	RTA	Dispatching performed at Des Moines, IA (Suburban train operation).
5a Joliet, IL—16th and Clark Streets	ICG, RTA	Interlocking Towers.
6 Moline-East Moline, IL crossing signals	BN, DRI&NW	Highway crossing signal maintenance.
7 Rock Island, IL—28th St.	BN	Switchtender handles crossing and BN switches.
8 West Davenport-Muscatine, IA	MILW	Track and signal maintenance dispatching performed at Des Moines, IA, which controls entry switch at West Davenport (Automatic Block Signal).
9 Burlington-Medapolis, IA	BN	Track maintenance; dispatching performed at Des Moines, IA; highway crossing signals maintenance on BN trackage.
10 Eddyville-Beacon, IA	CNW	Track maintenance.
11 Cedar Rapids, IA—4th St. trackage	ICG	Track maintenance.
12 Cedar Rapids, IA—9th Ave. crossing	CNW	Control of CNW-RI crossing and highway crossing signal maintenance.
13 Waterloo, IA-McKinley St. crossing signals	CNW	Highway crossing signal maintenance.
14 Iowa Jct.-Hollis, IL (Peoria Terminal Co.)	TP&W	Track maintenance; dispatching performed by Peoria yardmaster.
15 Des Moines (Easton Blvd.) West Des Moines, IA	CNW	Track and signal maintenance; operate and maintain RI and CNW tracks; signals-switches controlled at Short Line Tower (Automatic Block Signal).
16 Almena Jct.-CB&Q Jct. KS (Oronoque)	BN	Track maintenance; dispatching performed at Des Moines, IA; hand thrown switches; (Automatic Block Signal).
17 Colorado Springs-Roswell Industrial District, CO	ATSF	Track maintenance.
18 Council Bluffs, IA—6th, 7th, 8th St. crossing signals	BN	Highway crossing signal maintenance.
18a Council Bluffs, IA, vicinity of 14th Street	BN	Diamond crossing maintenance. Interlocking plant maintenance and operation.
19 Albert Lea-Glenville, MN	CNW-ICG	Track and signal maintenance; dispatching performed at Des Moines, IA which controls CTC.
20 Glenville-MN-Manly, IA	CNW	Operator at Manly.
21 Inver Grove-South St. Paul, MN	CNW, SOO	Track and signal maintenance; dispatching performed at Des Moines, IA which controls CTC.
22 Limon, CO	UP	Operator.
23 Polo-Airline Jct., MO	MILW	Track and signal maintenance; dispatching performed at Des Moines, IA which controls CTC from Polo to Birmingham. (Birmingham to Airline Jct. CTC controlled by MILW at Truman Bridge under RI dispatcher's direction).
24 Atchison, KS-St. Joseph, MO	ATSF	Track and signal maintenance; dispatching performed at El Reno, OK.
25 Wathena-Troy, KS	UP	Track and signal maintenance; dispatching at El Reno, OK.
26 Herrington, KS-MP crossing interlocking	MP	Interlocking controlled by RI operator (cannot be lined for MP and left unattended—signaling on MP cleared directionally).
27 Dodge City, KS	ATSF	Between Dodge City and ATSF Jct. over Arkansas River bridge track and bridge maintenance only (line not in service at present).
28 Marion-Peabody, KS	ATSF	Track and signal maintenance; dispatching performed at El Reno, OK, which controls CTC.
29 McAlester-Shawnee, OK	MKT	Track and signal maintenance; dispatching performed at El Reno.
30 Shawnee-Oklahoma City, OK	ATSF-MKT	Track and signal maintenance; dispatching performed at El Reno.
31 Oklahoma City "North Lines" Industrial Tracks	ATSF	Track maintenance.
32 Malvern-Hot Spring, AR	MP	Dispatching performed at El Reno, OK.
33 Fort Worth-Irving, TX	FWD, SLF	Track and signal maintenance dispatching performed at El Reno, OK, which controls CTC.

Line No. and location to be operated	Railroads using	Rock Island functions to be performed
34 Irving-Dallas, TX.....	FWD, SLSF.....	Track and signal maintenance dispatching performed at El Reno, OK, which controls CTC.
35 Dallas, TX Right of Way District (formerly Dallas Union Terminal).	MP, MKT, FWD, ATSF, SP, SSW, SLSF.....	Track and signal maintenance; maintain and control operation from towers. Supervision and maintenance to be provided by Missouri Pacific Railroad Company.
36 Dallas, TX-Cadiz St. Yard.....	L&A.....	Track maintenance.
37 Saginaw, TX.....	FWD, ATSF.....	Track and signal maintenance; interlocking controls, switches, and signals.
38 Memphis, TN, Section "A" trackage (1,460 feet) owned by L&N.	ICG, L&N, SOU.....	Track maintenance.
39 Briar-West Memphis, AR.....	SSW-MP.....	Track and signal maintenance; dispatching performed at El Reno, OK; CTC controlled from Kentucky St.
40 West Memphis-Brinkley, AR.....	SSW.....	Track and signal maintenance; dispatching performed at El Reno, OK ABS—Block signals operator at Brinkley.
41 Irving-Carrollton, TX.....	SLSF.....	Maintenance, dispatching (all functions performed by SLSF at present).
42 Iowa Falls, IA.....	ICG.....	Interlocking towers.
43 Rock Island Junction, AR to Hermitage, AR.....	WSR.....	Maintenance.
44 Thompson, NE.....	BN.....	Diamond crossing maintenance.
45 Beatrice, NE.....	BN.....	Diamond crossing maintenance.
46 Centerville, IA.....	BN.....	Interlocking plant maintenance and operation.
47 La Salle, IL.....	BN.....	Diamond crossing maintenance.
48 Ottawa, IL.....	BN.....	Interlocking plant maintenance.
49 Colona, IL.....	BN.....	Interlocking plant maintenance.
50 St. Joseph, MO.....	BN.....	Diamond crossing maintenance.

[FR Doc. 80-11889 Filed 4-17-80; 8:45 am]

BILLING CODE 7035-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1209

[Petition No. CP 79-11]

Corrosiveness Procedures for Cellulose Insulation; Denial of Petition

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: The Commission announces that it has denied a petition requesting it to revise the corrosiveness provisions of the amended interim standard for cellulose insulation or to extend the effective date of the corrosiveness provisions, pending additional study. The Commission denied the request to stay the effective date since available information does not support a stay for the reasons suggested by the petitioner. The Commission has also denied the request to revise the corrosiveness provisions, since the petition did not suggest any specific revisions to the corrosiveness procedures of the amendment and since at the present time the Commission does not believe that specific revisions are necessary.

FOR FURTHER INFORMATION CONTACT: Philip E. Bechtel, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207 (202) 634-7770.

SUPPLEMENTARY INFORMATION:

Section 10 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission (CPSC) to begin a proceeding to issue, amend, or revoke a consumer product safety standard or

ban. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the Federal Register.

On August 3, 1979 the Commission received a petition from Diversified Insulation, Inc. (Petition CP 79-11) requesting the Commission to revise the corrosiveness provisions of the Commission's amended interim standard for cellulose insulation (44 FR 39938, July 6, 1979) or to extend the effective date of the corrosiveness provisions pending additional study of the test.

In support of the petition, the petitioner submitted memoranda from the Ad Hoc Committee on Corrosion established by the Department of Energy (DOE), as well as information from Oak Ridge National Laboratory, information from DOE, and several letters concerning corrosiveness test procedures for cellulose insulation. The petitioner contends that this information shows that the corrosiveness test procedures in the amended interim standard are not reproducible, meaning that consistent passing or failing test results would not be obtained when the same product is tested in different laboratories. The petitioner also contends that this information shows that the Commission is not able to perform the corrosiveness test as described in the amended interim standard as a result of the difficulty in maintaining the high temperature and relative humidity conditions specified in the standard. The petitioner did not recommend specific changes to the corrosiveness test procedures in order to address these concerns, and did not recommend a specific length of time during which the corrosiveness

provisions should be stayed by the Commission.

After reviewing the information submitted by the petitioner as well as other available information, the Commission, on October 11, 1979, voted unanimously to deny the part of the petition that requested the Commission to stay the October 16, 1979 effective date of the corrosiveness provisions for cellulose insulation. The reasons for the Commission's action were as follows:

First, the effects of staying only the corrosiveness provisions of the amended interim standard while retaining the flame resistance provisions of the amended interim standard have not been determined. If the corrosiveness provisions of the amendment were stayed, then the corrosiveness provisions of the interim standard based on GSA Specification HH-I-515C (43 FR 35240, August 8, 1978) would be in effect with the flame resistance provisions of the amended interim standard. The corrosiveness and flame resistance provisions are interrelated because of the chemical flame retardants added to the cellulose insulation.

Since the interrelationship of the HH-I-515C corrosiveness provisions and the flame resistance provisions of the amended interim standard has not been determined, the combination of the two different tests could force manufacturers to reformulate their product and could adversely affect the level of protection provided by the standard. In addition, other differences in the two corrosiveness tests, such as the difference in time required to conduct the test (up to 30 days for the HH-I-515C test and 14 days for the HH-I-515D test) and the differences in cleaning

procedures could create problems for manufacturers if the HH-I-515C corrosiveness test were combined with the flame resistance provisions of the amended interim standard.

Second, if the Commission were to stay the corrosiveness provisions of the amendment while retaining the HH-I-515C corrosiveness provisions of the interim standard, manufacturers would be deprived of the improvements of the amended standard, such as the elimination of the subjective seven day test evaluation, the shortened test time, and improvements in the methods for cleaning the test coupons.

Third, the petition alleged that the corrosiveness provisions of the amendment should be stayed, in part, because of the difficulty in maintaining the high temperature and relative humidity conditions specified in the amendment. However, tests conducted on the test equipment used in the amended interim standard indicate that the test chamber itself can maintain the specified temperature and relative humidity conditions. The Commission staff and the National Bureau of Standards (NBS) have conducted evaluations of the test equipment used in the corrosiveness procedures to further assess the capability of the test equipment to maintain the specified temperature and relative humidity conditions. Results of these tests indicate that the test equipment can maintain the temperature and relative humidity conditions specified in the standard. Although based on present information, the Commission believes that the test equipment can adequately maintain these temperature and humidity conditions, the Commission will consider changes to the standard or the corrosiveness test manual if additional information shows that these changes are necessary.

Fourth, the petition also alleged that the corrosiveness provisions of the amendment should be stayed because of questions concerning the reproducibility of the test method. However, the questions of reproducibility raised by the petition may be caused by variations in samples tested and would also apply to the test method of the HH-I-515C interim standard, which, as explained before, would be in effect if the amendment were stayed. The reproducibility of the corrosiveness test method will be further defined by round-robin testing conducted by NBS. Although the test results have not yet been fully analyzed and reviewed by NBS, preliminary discussions between NBS and the Commission staff indicate

that the test method is capable of consistently distinguishing between very corrosive and non-corrosive samples of cellulose insulation. However, there may be some variation in test results for samples of cellulose insulation that are marginally corrosive under the test criteria provided by the standard. An interim report is expected shortly from NBS on the round-robin testing. After this report is evaluated, the Commission staff may include provisions in the compliance test manual in order to help minimize test variations. The Commission staff may also recommend that the Commission change the standard itself in order to help minimize test variations.

At the Commission meeting on October 11, 1979 the Commission also voted unanimously to deny the part of the petition that requested the Commission to revise the corrosiveness provisions of the amended interim standard. The Commission denied this request since the petition did not suggest any specific revisions to the corrosiveness provisions to address the concerns expressed in the petition about reproducibility and the ability of the test equipment to maintain the specified temperature and relative humidity conditions. Based on information available at the present time, the Commission does not believe that specific changes to the corrosiveness provisions of the amendment are necessary for the reasons alleged in the petition. Although the Commission does not now believe that it is necessary to revise the amendment, the Commission staff is continuing to examine these questions and may, in the future, recommend that the Commission change the amendment to address concerns about reproducibility and test equipment capability. If, after receiving additional information, the Commission determines that changes to the standard are necessary, the Commission will publish and solicit comment on substantive changes to the standard.

After the October 11, 1979 meeting at which the petition was considered, the Commission staff received a copy of a corrosion experiment conducted by the Commission's San Francisco Area office. Since this report initially suggested that some modifications in the corrosiveness test procedure in the amended interim standard might be necessary, the Commission has delayed publication of this notice announcing the denial of the petition. The modifications suggested by the San Francisco Area office were either covering the specimen dishes with nylon screening to control

the rate of evaporation, or modifying the rate of air flow in the chamber. Upon further review of the results of this experiment and the conditions under which the experiment was conducted, the Commission staff has concluded that if the test method in the amendment is precisely followed, the test method will lead to consistent results. Based on this review of the experiment, the Commission staff does not believe that the modifications suggested by the San Francisco Area office are necessary. The Commission has reviewed this data and does not believe that the earlier decision to deny the petition should be changed.

On February 25, 1980, the Commission submitted a report to Congress on the enforcement of the amended interim standard. In the compliance testing conducted by the Commission so far, the Commission has found that very few samples have failed the corrosiveness test. Of 74 samples tested for corrosiveness during the period from October 16, 1979 through January 1, 1980, the Commission has found that only three samples (4 percent) have failed the corrosiveness test. Under the interim standard based on GSA Specification HH-I-515C, approximately 38 percent of the samples tested failed the corrosiveness test. Based on the results of the corrosiveness testing reported so far, the Commission does not believe that modifications in the corrosiveness test procedure are necessary.

Copies of the petition and the staff's briefing package to the Commission on the petition may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th St., N.W., Washington, D.C. 20207.

Dated: April 11, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-11602 Filed 4-17-80; 8:45 am]

BILLING CODE 6355-01-M

16 CFR Part 1205

[Petition CP 79-13]

Power Lawn Mowers; Denial of Petition To Amend Safety Standard for Walk-Behind Power Lawn Mowers

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: The Commission has denied a petition from the Outdoor Power Equipment Institute which requested an amendment to the Safety Standard for

Walk-Behind Power Lawn Mowers which would allow, as a permissible alternative to the present standard, the use of mowers whose blades are inaccessible as determined by the use of a specified probe intended to simulate the human hand. The petition was denied because (1) the submitted probe is not anthropometrically sound; (2) the test procedure is indefinite and fails to address some known ways that the blade could be contacted; (3) petitioner's probe, procedure, and effectiveness estimate were developed based on an unproved assumption; (4) the petition does not support a conclusion that the suggested alternative would be relatively effective in reducing injuries; and (5) the petition does not support a conclusion that an adequate hand probe requirement, if one were developed, would have any economic advantage over the present standard.

ADDRESS: Copies of the staff briefing package and other materials concerning this petition may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Third Floor, 1111 18th Street, N.W., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Philip Bechtel, (202) 634-7770.

SUPPLEMENTARY INFORMATION:

Background

The moving blades of walk-behind power lawn mowers injure approximately 77,000 Americans every year. Nearly ten thousand persons lose at least one finger or toe. The remaining accidental injuries consist of about 11,400 fractures, 2,400 avulsions (the tearing of flesh or a body part), 2,300 contusions, and 51,400 lacerations. These 77,000 blade contact injuries result in costs of about \$253 million each year, exclusive of a factor for pain and suffering. In August, 1973, the lawn mower industry, through its trade association, the Outdoor Power Equipment Institute ("OPEI"), petitioned the Commission to develop a consumer product safety standard for power lawn mowers. Although the Commission concluded that the particular standard suggested by the industry would not adequately address the risk, it agreed that there was an unreasonable risk of injury associated with power lawn mowers and that a consumer product safety standard was necessary to reduce this risk.

Under section 7 of the Consumer Product Safety Act ("CPSA") as originally enacted, 15 U.S.C. 2056 (1974), the Commission was required to invite persons outside the Commission to

develop recommended standards,¹ and it accepted the offer of Consumers Union ("CU") to develop the power lawn mower standard. CU submitted a recommended standard which addressed both walk-behind and riding mowers and addressed a wide range of hazards including blade contact, thrown objects, fire and thermal burns, and electric shock.

The Commission thoroughly evaluated the standard that was recommended by CU, and in the Federal Register of May 5, 1977, the Commission published a proposed standard. Although the Commission's proposal was generally based on the standard submitted by CU, and addressed generally the same types of mowers and risks of injury as did the CU standard, the proposed standard deleted or substantially changed about 40 requirements in the CU standard.

On June 7, 1978, the Commission published a notice in the Federal Register (43 FR 24697) announcing that it would issue the requirements addressing injuries due to blade contact with walk-behind mowers separately from any requirements addressing injuries associated with thrown objects, fuel and electrical hazards, and riding mowers. The Commission in issuing that notice determined it would be a more effective and efficient method of addressing the unreasonable risks associated with power lawn mowers to issue requirements that address the most numerous injuries, those caused by blade contact, rather than delay that effort while lengthy additional work was performed in order to determine what other regulatory requirements were necessary to address the other risks of injury.

Accordingly, on February 16, 1979, the Commission published a final standard, 16 CFR Part 1205, that addressed only blade contact injuries associated with walk-behind power lawn mowers (44 FR 9990).²

The Commission's standard aims for increased safety in two main ways. First, in order to reduce the number of hand injuries, the standard requires that rotary mowers have some kind of control device that will stop the blade within 3 seconds of the operator's release of the control. Thus, the blade should stop before the operator's hands can reach it. This requirement will also reduce foot injuries that occur when the

operator is working or moving around the mower and is not holding the control. Second, to reduce foot injuries further, the standard requires that a probe, which approximates the human foot, may not contact the blade of a rotary mower when an attempt is made to insert it along the rear of the mower and at the discharge chute. Shielding may be used to satisfy the foot probe test, so the standard contains minimum requirements for shielding. The Commission also required that rotary and reel-type mowers bear a prescribed warning label.

The Commission found that implementation of the standard would eliminate or reduce the severity of about 60,000 blade contact injuries each year—77% of all such injuries. The savings in dollar terms, excluding pain and suffering, are roughly \$211 million per year. The projected cost of the standard is roughly \$190 million per year.

The Commission estimates that had all mowers been in compliance with the standard in 1977, the injuries that occurred that year due to contact with mower blades would have been reduced by 6,800 finger amputations, 1,500 toe amputations, 11,000 fractures, 1,800 avulsions, and 38,400 lacerations.

On August 17, 1979, OPEI petitioned the Commission for an extension of the effective date of the standard from December 31, 1981, to July 1, 1983 (Petition No. CP 79-12). Among the reasons presented by OPEI to support this request, OPEI referred to a petition which it intended to file with the Commission asking that the standard be amended to allow, as a permissible alternative to the 3 second blade stopping requirement, the use of mowers whose blades are inaccessible as determined by the use of a specified probe intended to simulate the human hand. OPEI argued that manufacturers should not have to continue to develop mowers that comply with the blade stopping requirement during the time the Commission was considering OPEI's petition to allow alternative hand probe requirements. On September 12, 1979, OPEI filed its petition to amend the standard to allow for hand probes (Petition No. CP 79-13).

On November 29, 1979, the Commission denied OPEI's request (CP 79-12) for an extension of the effective date of the standard. At that time, the Commission had not completed its evaluation of OPEI's other petition (CP 79-13) for an amendment to the standard to allow for hand probes. The Commission concluded that to extend the effective date of the standard while the second petition was being evaluated would have the effect of delaying the

¹ In 1978, the Act was amended to allow the Commission to develop standards itself under specified circumstances.

² Two petitions for reviews of the standard have been filed under section 11 of the CPSA, 15 U.S.C. 2060. These petitions are pending and have been consolidated in the United States Court of Appeals for the Fifth Circuit (No. 79-1469).

implementation of the standard by one full production cycle. The Commission decided that, rather than to delay the benefits of the standard for a full year on the mere possibility the hand probe petition would be granted, it was better for manufacturers to continue to incur incremental research and development costs required to comply with the present standard during the slight additional period it would take for evaluation of the hand probe petition. However, the Commission did state that if the hand probe petition were granted, the Commission would reconsider whether a change in the effective date of the standard was appropriate.³

Consideration of Hand Probes by the Commission

The standard which the industry originally asked the Commission to adopt in 1973 did not contain requirements for either hand probes or for a blade control which would stop the blade automatically when the handle is released. The standard recommended by CU provided for the blade control, but CU rejected the concept of hand probe requirements. Then, long after CU's recommended standard was received, and shortly before the Commission proposal in May of 1977, OPEI filed a lengthy comment which, in the middle of a 64 page document, stated "the staff should consider the use of probes to evaluate the potential of blade contact." (See *OPEI Position Paper on CPSC Proposed Mandatory Safety Standard for Power Lawn Mowers (Staff draft #2)*, submitted 2/22/77 at 26.)

It was not until March of 1978 that OPEI submitted a specific proposal intended to show how hand probes could be utilized in a standard. The Commission's staff evaluated this submission and found it to be inadequate, both in itself and as a basis for further development. (See CPSC memorandum to the record, dated October 17, 1978.)

In the fall of 1978, shortly before the staff completed its briefing package for the Commission's vote to approve a final standard, OPEI suggested that the Commission should delay issuance of a final standard and that the Commission should engage in a joint effort with OPEI to develop test procedures and probes which could be incorporated into a standard as an alternative to a blade stop requirement. The Commission could not conclude at that time that the development of suitable probes was feasible. In addition to the formidable technical problems involved, it could not

be concluded that the effort could be completed within a reasonable time and with a reasonable expenditure of Commission resources. Thus the Commission did not find it appropriate to delay issuance of the standard in order to see what the effort suggested by the industry might produce. The Commission did indicate, however, that the staff could monitor the industry effort and that if suitable probes were developed, the Commission would consider whether they were appropriate for inclusion in a mandatory standard and whether the effective date of the standard should be extended.

The industry proceeded to develop alternative requirements in an accelerated effort that continued from December, 1978, to September, 1979. The Commission assisted the effort by providing injury information and guidance as to appropriate methodologies for developing requirements suitable for consideration as mandatory requirements. The development project culminated in the September 12, 1979, petition to amend the power mower standard.

The Hand Probe Petition

The petition was accompanied by (1) a draft standard purporting to incorporate the hand probe and test procedures developed by OPEI, (2) a report from Battelle Memorial Institute ("Battelle") purporting to explain the methodology and rationale of the development of the hand probe and test procedure, and (3) a purported analysis of the relative effectiveness of the OPEI draft hand probe standard and the blade stop standard of 16 CFR Part 1205.

The probe recommended by OPEI is a four-fingered hand configuration intended to be designed to "worst case" dimensions that represent the length of the 95th percentile adult male hand and the width of the 5th percentile 11 year old female hand. To simulate grasping the mower housing, the probe is inserted 3.73 inches (a distance intended to represent the distance to the third finger joint) and the "fingers" articulated in a specified manner toward the blade. To simulate clearing a clogged discharge chute, the probe is inserted 8.33 inches (to the wrist crease) into the chute. A mower will comply if the probe does not touch the blade during these maneuvers.

The report from Battelle described the development of the probe and test procedures. Battelle analyzed data that had been supplied by the Commission concerning actual mower accidents. Battelle then photographed simulations of the various types of accidents that they have studied and used these data to develop an anthropometrically-based

probe, and test procedures, intended to protect against these accidents.

OPEI's effectiveness analysis stated that the blade stop standard and the hand probe standard would be practically identical in providing protection against blade contact injuries to the hand (93% vs. 92.5%) and that the blade stop standard would be approximately 5 percent more effective in protecting against all types of blade contact injuries (67% vs. 62%).

On October 3, 1979, OPEI conducted a mowing demonstration with mowers incorporating designs intended to show how mowers could comply with a hand probe requirement. These mowers were then loaned to the Commission for evaluation.

At a February 13, 1980, meeting with the Commission staff, OPEI presented additional information in a report entitled, "Comparative Benefit/Cost Analysis for Alternative Blade-Contact Requirements Applicable to Walk-Behind Power Lawn Mowers." In this report, OPEI assumes that the number of new mowers sold each year will be reduced in proportion to the price increase attributable to the standard or its suggested alternative. Using this assumption, and applying OPEI's effectiveness estimates for the hand probe requirements and for the blade stop and foot probe requirements, OPEI calculates an aggregate benefit/cost ratio after 8 years of 1.8 for the hand probe requirements, compared to 0.42 for the blade stop and foot probe requirements.

Evaluation of the Petition

In order to issue a material change to a consumer product safety rule, such as the amendment requested by OPEI, the Commission is required to follow the procedures and make the findings required by sections 7 and 9(a)-(d) of the CPSA. Among the findings required to issue such a rule is that the rule is reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with the product and that the promulgation of the rule is in the public interest. The Commission, in issuing the Safety Standard for Walk-Behind Power Lawn Mowers, has already determined that an unreasonable risk of injury is associated with unregulated power lawn mowers.

In order to warrant an amendment to the standard, the Commission must be able to find either that the requested amendment is at least as effective in reducing injuries as the existing standard or that any possible decrease in effectiveness is warranted by factors such as a lesser cost attributable to the standard or an increase in the utility of the product.

³ OPEI's motion to the U.S. Court of Appeals for the Fifth Circuit for an 18 month stay of the standard pending judicial review was also denied.

A petitioner who seeks the amendment of a safety rule has the responsibility of providing data to support the conclusion that the amendment sought is reasonably necessary. Only amendments that can be shown to be reasonably effective in reducing the risk associated with the product and that are otherwise in the public interest should be pursued.

In order to further evaluate OPEI's petition and supporting materials, the Commission contracted with the National Bureau of Standards (NBS) for an engineering and human factors analysis of OPEI's probe and test procedures. NBS submitted two reports: (1) *Evaluation of Proposed Hand Probe Test Procedure*, McGahan, January, 1980; and (2) *Evaluation of Power Lawn Mower Hand Probe*, December 20, 1979, Persensky, Gagnon, Lewis, and Porter. The results of these studies, and the Commission staff's additional analyses, are discussed below.

1. *Adequacy of the hand probe.* NBS's anthropometric analysis disclosed a number of problems with the probe submitted by OPEI. For example, the distance used by OPEI for the length of the fingers from the metacarpal joint (the joint where the fingers join the palm) is actually the distance from the crotch between the fingers to the end of the fingers. Thus, OPEI's probe is significantly shorter than one based on the 95th percentile adult male.

NBS also questioned whether the flat, extended hand position used by OPEI to determine the palm width of the probe was appropriate.

NBS also noted that the probe had equal lengths for the segments of the fingers and that there was no anthropometric basis for this configuration.

In addition, there were some probe dimensions for which there do not appear to be data in the literature. For example, there are no literature references for a dimension for the vertical position of the hinge at the metacarpal joint and finger segments or for the finger tip depth. The fingertip depth used by OPEI corresponds to the depth at the first finger (distal interphalangeal) joint, a value that NBS suspects is too high. NBS states that additional research is required to determine these values.

2. *Adequacy of test procedure.* A number of problems were found to be associated with OPEI's test procedure. For example, OPEI's test procedures are too indefinite to be useful. From reading the procedures it is not possible to determine how OPEI intends for the segments of the fingers of the probe to

be moved in the effort to contact the blade.

Another problem with the procedures suggested by OPEI is that, as written, they cannot be followed. For example, one procedure requires inserting the probe to a specified distance, raising the probe until it contacts the housing, and then moving the fingers to specified angles. However, because of the position of the probe after it is raised, it is not possible to bend the fingers without moving the probe to a greater insertion depth.

Another problem with OPEI's test procedure is that it does not address all the actions that consumers can be predicted to attempt around a mower. An example is that the test procedure suggested by OPEI requires insertion to the full insertion depth before any articulation of the fingers is attempted. NBS found this procedure unduly restrictive and suggested an alternate procedure involving inserting the probe to intermediate distances and varying the articulation of the probe so that if the blade could be contacted by any probe configuration within the insertion depth, the mower would not comply. NBS suggested that the alternate procedure had the potential of finding blade contact situations that would not be detected by OPEI's procedure and, by allowing the tester to use judgment, could possibly find an accessible blade quicker than would the OPEI procedure. NBS also suggested that the portion of the OPEI test procedure where (1) the probe is raised into contact with the mower and (2) the fingers are then articulated might also fail to detect certain contact modes which could be detected by articulation of the fingers prior to raising the probe. If the Commission decided to attempt to develop hand probe requirements, the alternate procedure suggested by NBS could be adopted with relatively little effort. Therefore, the fact that OPEI's submitted test procedure does not explicitly provide for such manipulation did not influence the Commission's decision on OPEI's petition.

OPEI also presented no justification for limiting the probing to a horizontal position or radial insertion, and OPEI appears not to have considered the effect of orientation of the palm on the test procedure.

These deficiencies of the test procedures, and the anthropometric deficiencies of the probe, might possibly be remedied with enough additional development. In some instances, OPEI may be able to provide additional information concerning their intentions. In evaluating this petition, the

Commission has not attempted to correct the more obvious deficiencies in the specific probe and procedure. Such an effort would be appropriate only if the Commission decided to attempt to develop probe requirements along the lines of those suggested by OPEI. The Commission cannot conclude at this time that it would be in the public interest to attempt to correct the specific deficiencies noted above. Moreover as will be explained below, there are additional reasons why OPEI's probe and test procedure would not be acceptable for use in a mandatory safety standard even if these specific deficiencies were corrected.

2. *OPEI's probe development methodology is inappropriate.* As explained above, the methodology used by Battelle and adopted by OPEI involved the simulation of accidents that have happened in the past with presently produced mowers. The blades of these mowers are typically as little as $\frac{1}{8}$ of an inch above the bottom edge of the mower housing and as close as $\frac{1}{4}$ of an inch from the inside surface of the housing. It can be seen that the slightest intrusion under the mower housing carries with it a high degree of risk of contacting the blade. As OPEI was advised by the Commission's staff during the development of OPEI's petition, the methodology adopted by OPEI in developing its standard would only protect against the specific accidents that have happened in the past. For example, with regard to the insertion depths which OPEI specifies for its probe, OPEI's methodology does not take into account the undeniable fact that persons who are injured by mower blades stop trying to insert their hands after they hit the blade and that these persons were probably attempting to reach in further. Thus, in the past, the insertion depth has limited by contact with the blade and not by completion of the intended task. OPEI has not examined the range of activities that consumers are likely to attempt if shielding were provided to protect against the injuries that have resulted in blade contact in the past.

For example, OPEI determined that an insertion depth of 8.33 inches into the discharge chute would provide sufficient protection because it would protect against injuries that have occurred with presently produced mowers when persons attempt to clear a clogged discharge chute. Therefore, extending the discharge chute so that it is more than 8.33 inches from the blade would produce a discharge chute which OPEI would deem "safe." This overlooks the fact that people may attempt to reach an

accessible clog regardless of the particular distance involved. In other words, OPEI's insertion depth merely reflects the fact that current discharge chutes are less than 8.33 inches long, and the petition does not establish that users would not reach further into longer discharge chutes.

Another instance of OPEI's failure to adequately address the behavior patterns likely to occur is the situation where shielding is extended so close to the ground that there is no room for the fingertip of the probe to fit under it when the mower is placed on a smooth level surface. Such a mower would pass OPEI's procedure. However, there are no data from which it could be concluded that a consumer who would otherwise attempt to grasp the edge of the housing would not force his or her fingers into the grass in order to get them under the housing. Furthermore, the contour of the lawn could easily be such that a "valley" would provide the necessary clearance for grasping or reaching under the mower.

OPEI's standard also contains no requirement designed to protect users who reach under the mower, as opposed to grasping the edge of the housing.

It is not difficult to imagine shielding that would adequately restrict access to the blade. For example, if the blade were completely shielded and there were no opening in the shielding of the mower larger than the fingertip of an 11 year old girl, the shielding would presumably provide adequate protection.⁴ Since the stringent shielding of this example could have adverse effects on mowing performance or on the ability to change or sharpen the mower blade and clean the mower, in considering a mandatory standard for such shielding, there would need to be consideration of currently undeveloped requirements to prevent the removal of the shielding by consumers. In the absence of any indication that practical mowers could be produced to comply with the example given above, or that manufacturers would be interested in producing such mowers, it would be a waste of the Commission's time and resources to proceed to attempt to develop such a standard.

4. The petition's effectiveness forecast is erroneous.

A basic problem with OPEI's effectiveness forecast is that it assumes that the ways people have been injured by presently-produced mowers reflect

how consumers could be injured by differently-made mowers. The question of whether the people who were injured in the past would have reached further had they not contacted the blade at that point remains not only unanswered, but unasked. Therefore, any attempt to estimate the effectiveness of OPEI's procedures based on present data will be necessarily inconclusive. Such an estimate could be made only if more were known about the actions users will attempt around the mower. (Since the ability of the safety standard's blade stop requirement to prevent hand injuries does not depend on the particular actions users may attempt, it is not necessary to make OPEI's assumption in order to evaluate the effectiveness of the blade stop requirement.)

However, even if this basic problem with OPEI's standard and OPEI's effectiveness forecast is ignored, the Commission disagrees with OPEI's estimate of the effectiveness of the hand probe. The Commission's staff examined the 60 cases used by OPEI in their effectiveness forecast and disagreed with OPEI's conclusions in 33 of these cases. In 30 of the cases relied on by OPEI, the staff concluded that there was not sufficient information in the investigation to determine whether the hand probe would address that particular injury. In 3 other cases where OPEI concluded that the injury would be addressed by the hand probe, the staff concluded that the information showed that the hand probe requirements would not have prevented the injury. Therefore, even if OPEI's disputed assumptions were valid, only 35.7% of the available cases could be relied on to demonstrate the effectiveness of OPEI's hand probe requirement. If the cases with insufficient data are eliminated from consideration, OPEI's assumptions would result in an effectiveness of the hand probe requirements of only 63.5% of the remaining cases, compared to a positive effectiveness of the standard's blade stop requirement of 88.4%.

5. Cost of the hand probe requirement.

One of the main advantages put forward by OPEI for the hand probe requirement is its unsupported claim that it would cost much less to implement than would the blade stop requirement of the standard. In its evaluation, the Commission considered the question of the possible cost of OPEI's hand probe requirement and was able to estimate that it would increase the retail price by about \$10 per mower to provide mowers that comply with the particular requirements suggested by OPEI. However, little can be gained

from comparing this figure with the estimate that the blade stop standard would increase the retail price of mowers by approximately \$35 because, for the reasons given above, the standard requested by OPEI is not suitable for use as a mandatory safety standard.

6. OPEI's cost/benefit analysis is unsupportable.

The additional information contained in the report submitted to the Commission by OPEI on February 13, 1980, was intended to show that, although the injury reduction effectiveness of the hand probe requirement is similar to the blade stop and foot probe requirements of the present standard, the ratio of benefits to costs of the hand probe requirements would be much higher than that of the present standard. However, OPEI's conclusions are based on misleading methodology and unfounded assumptions.

In the first place, OPEI's analysis computes an aggregate benefit/cost ratio only for the first 8 years of the standard's effectiveness. This analysis does not fully reflect the benefits to be obtained from the mowers that have been sold during the first 8 years since, although the costs are incurred at the time of purchase, the benefits continue to accrue for the entire useful life of the mower. Thus, while OPEI's benefit/cost methodology may provide a basis for a limited comparison of differing requirements, it does not provide a full picture of the benefits or benefit/cost ratios that would result from these requirements.

OPEI's analysis also reflects its assumption that the sales of new mowers will be reduced in proportion to the increase in price attributable to the standard. Thus, in its view, due to the lower cost of a mower complying with hand probe requirements, more of those mowers would be introduced into commerce than would the more expensive mowers complying with blade stop and foot probe requirements. However, OPEI does not present, and the Commission is not aware of, data showing the extent to which the sales of mowers would be affected by a change in the price of all rotary walk-behind power mowers. Furthermore, if consumers perceive mowers having a blade stop feature as being safer or having more utility⁵ than presently

⁴ It is also possible that less than complete shielding would provide adequate protection. However, OPEI's methodology for developing its suggested insertion depth does not support OPEI's contention that its criteria will provide an adequate degree of safety.

⁵ As the Commission found in issuing the standard: [B]y releasing the blade control and stopping the blade, the operator can then travel over gravel or other surfaces without fear of thrown objects or of the blade striking objects that might damage the mower. Brake-clutch type mowers would also give an increase in utility by enabling

Footnotes continued on next page

produced mowers or mowers complying only with hand probe requirements, there could be an increased demand for mowers complying with a blade stop requirement.

OPEI's benefit/cost calculations also depend on OPEI's effectiveness estimates which, as explained above, are too high and are based on unsupported assumptions. In fact, as previously noted, there is not enough known about the behavior patterns of consumers to enable any estimates to be made of the effectiveness of OPEI's hand probe requirements.

For these reasons, OPEI's arguments concerning the relative benefit/cost ratios of the alternative requirements are not convincing.

Conclusion

The Commission is unable to conclude at this time that all the defects associated with OPEI's suggested standard could be cured. This question need not be decided in evaluating OPEI's petition, since the Commission believes that the industry, if it desires an alternative to the blade stop standard, should present information from which the Commission could conclude that a fully reasoned and justified standard can be developed and that the Commission will be able to make the findings required by section 9 of the CPSA in order to amend an existing standard. The submission of OPEI falls far short of meeting this burden. However, even if it were possible to develop a suitable hand probe requirement, it is impossible at this time to predict the mower features that might be required to comply with such a standard. In addition to the unknown configuration of practical shielding that would be sufficiently protective, the configuration and cost of features designed to allow adequate access for tasks such as cleaning the mower or removing the blade, without at the same time allowing permanent removal of the shielding to reduce the inconvenience of its presence, are not known.

For these reasons, it is not possible to determine at this time how the cost of mowers would be affected by adequate hand probe requirements, if such can be developed. Therefore, OPEI has not provided data to support their contention that hand probe requirements have the potential for adequate injury reduction at a lower cost than blade stop requirements.

From the discussion above, it can be seen that OPEI's petition fails to show that its requested standard would be a reasonable alternative to the present mandatory standard, for the following reasons.

1. The probe is not anthropometrically sound.
2. The test procedure is indefinite, fails to address some known ways that the blade could be contacted, and fails to provide data concerning other ways that consumers might contact the blade.
3. The suggested alternative presents no adequate estimation of its effectiveness. Even if the effectiveness is estimated based on the unproven assumptions advanced by OPEI, the suggested alternative is relatively ineffective in preventing injuries.
4. The petition does not demonstrate that mowers complying with the hand probe offer a comparable level of benefits at a lower cost than mowers complying with the standard.

Therefore, Petition 79-13 is denied. Since the petition is denied, there is no need for any change in the effective date of 16 CFR Part 1205, the Safety Standard for Walk-Behind Power Lawn Mowers.

Dated: April 15, 1980.

Sadye E. Dunn,
Secretary, Consumer Product Safety
Commission.

[FR Doc. 80-11993 Filed 4-17-80; 8:45 am]

BILLING CODE 6355-01-M

Footnotes continued from last page
the operator to use the clutch to prevent stalling
when the mower bogs down in heavy grass. 44 FR
9994-95.

Proposed Rules

Federal Register

Vol. 45, No. 77

Friday, April 18, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

Cotton Classification; Sampling Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This proposal would revise the sampling regulations for cotton submitted for official USDA classification under the United States Cotton Standards Act and the Smith-Doxey Amendment to the Cotton Statistics and Estimates Act. The proposed change permits cotton samples a third option to use in classifying cotton. This change will help reduce excessive cutting of cotton bales.

DATE: Comments by June 17, 1980.

ADDRESS: Loyd R. Frazier, Chief, Marketing Services Branch, Cotton Division, AMS, USDA, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Loyd R. Frazier, (202) 447-2147.

SUPPLEMENTARY INFORMATION: A cotton sample consists of two portions, one drawn from each side of the bale. Under current regulations the sampler has two options in sampling a bale when two samples are needed. The first option is to make two cuts on each side of the bale and the second option is to make a cut approximately 24 inches on each side of the bale and break the two portions in half across the layers. The proposed change in regulations will permit the sampler a third option. It will allow the sampler to split each segment lengthwise along the layers making two samples. However, only the sample containing the two outside portions will be eligible for USDA classification. This means samples received for official USDA classification will be unchanged. This change will be another step forward to reduce excessive cutting of cotton bales.

Much attention has been directed in recent years to the multiple sampling of cotton bales and the problems caused by numerous cuts in the protective covering of the cotton. The cotton industry has requested USDA to adopt policies which would discourage multiple sampling of cotton bales. The proposed change is consistent with industry recommendations and recently revised Commodity Credit Corporation regulations.

In order to effect this change the following revisions in 7 CFR Part 28, Subpart A—Regulations under The United States Cotton Standards Act, and Subpart D—Cotton Classification and Market News Services for Organized Groups of Producers, are proposed:

1. Amend § 28.25(c) to read as follows:

§ 28.25 Samples for Form A determination.

(c) Where it is necessary to draw two sets of samples, a single cut should be made in each side of the bale, and the portion of cotton removed from each cut should be broken in half across the layers to provide two complete samples. In those cases where this method would result in samples of insufficient length, it will be acceptable to split the sample lengthwise along the layers provided the outside portion from each side is submitted for the official classification.

2. Amend § 28.908(b) to read as follows:

§ 28.908 Samples.

(b) *Drawing of samples manually.* (1) Each cut sample shall be drawn from the bale after it is tied out following the ginning process, and shall be approximately 6 ounces in weight, not less than 3 ounces of which are to be drawn from each side of the bale: *Provided*, That each sample from a bale of American Pima cotton shall be approximately 10 ounces in weight, not less than 5 ounces of which are to be drawn from each side of the bale.

(2) Where it is necessary to draw two sets of samples, a single cut should be made in each side of the bale, and the portion of cotton removed from each cut should be broken in half across the layers to provide two complete samples. In those cases where this method would result in samples of insufficient length, it

will be acceptable to split the sample lengthwise along the layers, provided the outside portion from each side is submitted for the official classification.

(Sec. 10, 42 Stat. 1519, sec. 3c, 50 Stat. 62; 7 U.S.C. 61, 473c)

This regulation has been determined not significant under the USDA criteria for implementing Executive Order 12044, "Improving Government Regulations." A Draft Impact Analysis is available from Loyd R. Frazier, AMS, Cotton Division, (202) 447-2147.

Dated: April 11, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-11918 Filed 4-17-80; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Proposed REA Program To Permit Deferment of Principal Repayment To Achieve Conservation

AGENCY: Rural Electrification Administration.

ACTION: Proposed Rule.

SUMMARY: REA proposes to issue a new REA Bulletin 20-23, Section 12 Deferrals for Energy Resources Conservation Loans. This bulletin sets forth agency policies, procedures and guidelines for borrowers concerning a new program under which the REA Administrator may permit the deferment of certain scheduled principal payments of distribution systems to provide funding for loans by them to their consumers to achieve energy conservation.

DATE: Public comments must be received by REA no later than May 19, 1980.

ADDRESS: Submit written comments to Joseph Vellone, Acting Assistant Administrator-Administration, Rural Electrification Administration, Room 4063, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Vellone, Acting Assistant Administrator-Administration, above address, telephone number (202) 447-3863. The Draft Impact Analysis describing the options considered in developing this proposed rule and the

impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.) REA proposes to issue REA Bulletin 20-23, Section 12 Deferments for Energy Resources Conservation Loans. This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 to implement Executive Order No. 12044, and has been classified not significant.

REA, in its effort to further the national goals of energy conservation and the conservation of natural and capital resources, as set forth in the National Energy Conservation Policy Act of 1978, Executive Order No. 12185 issued December 17, 1979, and other laws and regulations, is proposing the use of existing authorities under Section 12 of the Rural Electrification Act of 1936, to defer certain principal payments at the request of distribution systems to provide funds which they can then use to make loans to their consumers for energy conservation purposes. It will provide such borrowers with an opportunity to augment their present energy conservation programs by making funds available for a consumer loan program to finance such items as attic and floor insulation, storm windows and doors, air infiltration reduction, caulking, water heater insulation, and weatherstripping.

Copies of the draft bulletin are being sent directly to all REA electric borrowers. Copies are also available upon request from the address indicated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours, address above.

Dated: April 11, 1980.

Robert W. Feragen,
Administrator.

[FR Doc. 80-11553 Filed 4-17-80; 8:45 am]

BILLING CODE 3410-15-M

Animal and Plant Health Inspection Service

9 CFR Part 51

Brucellosis Indemnity; Extension of Time for Comments

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of extension of time for comments.

SUMMARY: This document extends the comment period for the proposed rule to allow Federal indemnities for cattle

destroyed because of brucellosis to move with the market. This extension of time is granted in order to provide additional time in which interested parties may prepare relevant data and information and to develop sound views and comments. The effect of this action would be to extend the comment period on the subject proposed rule for an additional 7 days.

DATE: Comments must be received on or before April 28, 1980.

ADDRESS: Send comments to Deputy Administrator, USDA, APHIS, VS, Room 805, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, USDA, VS, Room 805, Federal Building, Hyattsville, MD 20782, 301-436-8713.

SUPPLEMENTARY INFORMATION: On March 21, 1980, there was published in the *Federal Register* (45 FR 18394-18398) a notice of proposed rulemaking which proposed to amend the regulations (9 CFR 51.1, 51.3(a), and 51.6) to add new definitions and to establish indemnity rates for brucellosis reactors and for herd depopulations to be the difference between specified percentages of average fair market replacement values and average fair market slaughter values plus State indemnities. It also proposed new flat rate indemnities for exposed female calves.

The proposal provided for receipt of comments on or before April 21, 1980.

The Northeast Animal Health Association informed the Department that it is having its midyear meeting on April 23, 1980, during which it plans to discuss the proposed amendment to Part 51. The Association has requested that the Department extend the comment period so that members of the Association can comment on the proposal after the scheduled meeting. Since the Department is interested in receiving meaningful views and comments, these circumstances are considered justification for an extension of the time period originally allotted for submitting views and comments. Therefore, the period for the submission of comments concerning the proposal is hereby extended until April 28, 1980.

Done at Washington, D.C., this 14th day of April 1980.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 80-11952 Filed 4-17-80; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 73

Miscellaneous Amendments; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the proposed rule relating to scabies in cattle published at 45 FR 14050, March 4, 1980. This action is needed to correct a typographical error.

DATE: Comments on or before May 5, 1980.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, Veterinary Services, Room 737, Federal Center Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. A. W. Stichka, Staff Veterinarian, Sheep, Goats, Equine, and Ectoparasites Staff, USDA, APHIS, Veterinary Services, Room 737, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8321.

SUPPLEMENTARY INFORMATION: On March 4, 1980, there was published in the *Federal Register* (44 FR 14050-14062) a proposed rulemaking document amending the cattle scabies regulations in 9 CFR Part 73. Through a typographical error the words "within 14 days after inspection, shall be treated by the packer once with a permitted lime-sulphur dip or twice" were omitted from proposed section 73.7(a). This document corrects this error.

Accordingly, proposed section 73.7(a) is changed to read as follows: § 73.7 *Cattle moved for immediate slaughter but not slaughtered within 14 days after inspection or treatment.*

(a) *Cattle from a quarantined area or cattle exposed to cattle scabies.* Cattle infested with cattle scabies which have been moved interstate for immediate slaughter under § 73.6(d)(1)(ii), cattle from a quarantined area, and cattle exposed to cattle scabies which have been moved interstate for immediate slaughter, but which have not been slaughtered with 14 days after inspection, shall be treated by the packer once with a permitted lime-sulfur dip or twice with a permitted coumaphos dip 10 to 14 days apart under the supervision of a Veterinary Services inspector or State inspector.

Done at Washington, DC, this 8th day of April 1980.

R. P. Jones,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-11684 Filed 4-17-80; 9:45 am]

BILLING CODE 3410-34-M

9 CFR Part 92

Importation of Animals; Proposed Rulemaking

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to revise the requirements regarding the importation of horses. This is being done to remove some restrictions which may be unnecessary and to strengthen other requirements in order to prevent the introduction and dissemination of communicable diseases of livestock.

DATE: Comments on or before June 17, 1980.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, Veterinary Services, Room 821, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT: Dr. David E. Herrick, USDA, APHIS, VS, Room 815, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to section 2 of the Act of February 2, 1903, as amended; and sections 3, 4 and 11 of the Act of July 2, 1962, (21 U.S.C. 111, 134b, 134c and 134f respectively), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations.

The proposed amendments would revise the regulations in 9 CFR 92.4 to require that the name and address of the exporter and individual identification of each animal (except poultry) be shown on the application for an import permit. Such individual identification would include a description of the animal, its name, age, any distinctive markings, its registration number, if registered, and any tattoo or eartag. Requiring the name and address of the exporter should help insure that the permit is used by the proper person. Requiring that the identification of the animal appear on the application should help insure that the permit is issued and used for the same animal. The individual

identification would not be required to appear on the application for poultry because this is believed to be impracticable. Poultry are generally imported in large numbers for slaughter or as baby chicks. Therefore, requiring the individual identification of poultry would appear to be unnecessarily restrictive. Further, individual identification provides a means of tracing livestock. However, poultry are traced through their flocks. Individual poultry are generally not traced.

African horsesickness is a communicable disease of equines which exists in all countries of Africa. All horses imported into the United States from or that have been in or transited any country in Africa are presently required to be quarantined at the port of New York for at least 60 days in order to insure their freedom from that disease. Until recently, no laboratory capability for diagnosing African horsesickness was available in the United States. However, the Plum Island Animal Disease Center has developed the laboratory capability to diagnose African horsesickness. It is believed that through use of diagnostic tests conducted at that laboratory, the quarantine period for horses imported from or through any country in Africa could be reduced without undue risk of introducing that disease into the United States. Therefore, it is proposed to amend § 92.11(d) of the regulations, to require that all horses intended to be imported into the United States from, or that have been in or transited, any African country be quarantined at the port of New York and, after a period of 14 days, which has been determined to be the incubation period for this disease, a blood sample shall be drawn by a port veterinarian employed by Veterinary Services and submitted to the Plum Island Animal Disease Laboratory to conduct the official test for African horsesickness. It is proposed that horses which are negative to the test for African horsesickness shall be released from quarantine, if they are found to be otherwise free of evidence of communicable disease. Horses which are positive to the test for African horsesickness would be refused entry into the United States. The effect of these amendments would be to reduce the time equines are required to be held in quarantine by about half from the minimum 60-day quarantine period now required. In view of the demand for quarantine space, this would be of mutual benefit to importers and the Department. Also, to assist prospective importers of horses from such countries, the Department will provide as a

footnote to the amendment, the names and addresses of foreign laboratories where pre-entry testing may be obtained.

The regulations would also be changed to provide that horses imported into the United States from, or that have been in or transited any country in Africa within 60 days of the date of importation would be required to be quarantined in accordance with the aforementioned requirements. The 60-day limitation is proposed because should a horse have been exposed to African horsesickness while in such country, clinical evidence of the disease should be present. Additionally, this should be adequate time for positive antibodies to develop to diagnose the disease through the use of diagnostic tests.

The proposed amendments would also revise the regulations in 9 CFR 92.11(d), pertaining to quarantine requirements for horses, to state clearly that horses imported into the United States from any country of the world shall be placed in quarantine at the port of entry until negative results to tests for dourine, glanders, equine piroplasmiasis and equine infectious anemia are obtained and the port veterinarian has certified such horses to be free from clinical evidence of disease. This action is considered necessary to protect the livestock of the United States from the introduction of such communicable diseases of livestock.

To avoid confusion on the part of importers concerning the release date of animals quarantined, it is proposed to revise the method of counting the days of the quarantine period required for horses in § 92.11(d) from the "date of arrival at the quarantine facility" to "the first day after arrival at the quarantine facility" which would then be counted as the first day of the quarantine period. This would insure that the animals being imported have been in quarantine for the entire quarantine period.

Additionally, some confusion has arisen concerning whether the Department is responsible for removing horses refused entry. The proposed regulations would clarify the provisions regarding the disposal of horses refused entry by specifically requiring the importer to be responsible for removing horses refused entry within 10 days of the date that the importer is notified by the Department that such animal has been refused entry into the United States. However, the importer, in lieu of removing such animal from the United States, may elect to have such animal disposed of in accordance with such conditions as the Deputy Administrator, Veterinary Services believes necessary

to prevent the dissemination of communicable diseases of livestock into the United States. Such animals constitute a threat to disseminate disease into the United States, and, therefore, they must be refused entry into the United States. The costs of such removal or disposal would be borne by the importer. Further, a 10-day period would be established to permit removal because the Department believes that such a time period should allow adequate time to the importer to make arrangements regarding the further disposition of the horse involved without constituting an undue burden on the Department in the care, feed, and handling of such animal.

Further, § 92.11(d)(1) would be revised by specifying the applicable sections of the regulations which concern the importation of horses from Canada and Mexico and the time period that they are required to be in quarantine. This is being done as an aid to the importer.

The proposed amendments also add a definition of port veterinarian. The definition offered is in accord with the position title and description of such persons employed by Veterinary Services.

Accordingly, Part 92, Title 9, Code of Federal Regulations, would be amended in the following respects:

§ 92. [Amended]

1. In § 92.1, new paragraph (v) would be added to read:

(v) *Port Veterinarian.* Any veterinarian employed by Veterinary Services who is required to perform duties required under this Part at a port of entry.

2. In § 92.4, the second sentence in paragraph (a)(1) would be amended to read:

§ 92.4 Import permit for ruminants, swine, horses from countries affected with CEM, poultry, poultry semen, animal semen, birds, animal specimens for diagnostic purposes⁵

(a) ***

(1) *** The application shall specify the name and address of the importer; the species, breed, number or quantity of animals, animal semen, or animal specimens to be imported; the purpose of the importation; individual animal identification (except poultry), which includes a description of the animal, name, age, markings, if any, registration number, if any, and tattoo or ear tag; the country of origin; the name and address of the exporter; the port of embarkation in the foreign country; the mode of transportation, route of travel, and the port of entry in the United States; the

proposed date of arrival of the animals, animal semen, or animal test specimens to be imported; and the name of the person to whom the animals, animal semen, or animal test specimens will be delivered and the location of the place in the United States to which delivery will be made from the port of entry.

* * * * *

3. In § 92.11, footnote 6 would be deleted and paragraph (d) would be amended to read:

§ 92.11 Quarantine requirements.

* * * * *

(d) *Horses.* (1) Except as provided in paragraph (2) of this section, horses intended for importation into the United States from any part of the world shall be shipped directly to a port designated in § 92.3 of the regulations and be quarantined at said port until negative results to port of entry tests are obtained and the horses are certified by the port veterinarian to be free from clinical evidence of disease: *Provided*, That except as provided in §§ 92.24 and 92.34(c) of this Part with respect to horses from Canada and Mexico, horses from the Western Hemisphere shall be quarantined at said port for not less than 7 days.

(i) In order to qualify for release from quarantine, all horses from any part of the world, while so detained, shall test negative to the following port of entry tests: an official test for dourine, glanders, equine piroplasmiasis, and equine infectious anemia⁷ and such other tests, inspections, disinfections and precautionary treatments that may be required by the Deputy Administrator to determine their freedom from communicable diseases.

(ii) Any quarantine period required for horses shall be counted using the first day after arrival at the quarantine facility as the first day of quarantine and may be extended for such additional period as the Deputy Administrator, Veterinary Services, may require to determine their freedom from disease. Horses which are positive to any of the port of entry tests named in this paragraph or any other test required by the Deputy Administrator, or which are found by the port veterinarian to exhibit evidence of communicable

⁷ In view of the fact that official tests for dourine and glanders are run exclusively at the Veterinary Services Laboratory, Ames, Iowa, protocols for these tests have not been published and are therefore not available; copies of "Protocol for the Complement-Fixation Test for Equine Piroplasmiasis" and "Protocol for the Immuno-Diffusion (Coggins) Test for Equine Infectious Anemia" may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Hyattsville, Maryland 20782.

disease during quarantine shall be refused entry into the United States and removed by the importer to a country other than the United States within 10 days of the date that the importer is notified by Veterinary Services that such horse has been refused entry into the United States. However, at the option of the importer, such horse may be disposed of in accordance with such conditions as the Deputy Administrator believes necessary to prevent the dissemination of communicable disease into the United States. The importer shall be responsible for all costs of such removal or disposal.

(2) *Horses from African horsesickness countries.* Horses intended for importation from or that have been in or are transited any country on the continent of Africa, within 60 days immediately prior to importation, shall, in addition to the requirements in paragraph (d)(1) of this section, enter the United States only at the Port of New York, New York, and be quarantined at said port until the results of an official test for African horsesickness are obtained from the Plum Island Animal Disease Center.¹⁴ A blood sample for the test shall be drawn from the horse by a port veterinarian after the horse has been in quarantine at the Port of New York for 14 days. Horses which are negative for African horsesickness shall be released when they are otherwise found to be free of evidence of communicable disease. Horses which are positive to the test for African horsesickness at the port of entry or which are found by the port veterinarian to exhibit evidence of communicable disease during quarantine shall be refused entry into the United States and be removed by the importer to a country other than the United States within 10 days of the date that the importer is notified by Veterinary Services that such horse has been refused entry into the United States. However, at the option of the importer, such horse may be disposed of in accordance with such conditions as the Deputy Administrator believes necessary to prevent the dissemination of communicable disease into the United States. The importer shall be responsible for all costs of such removal or disposal.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road,

¹⁴ For purposes of information to the importer, diagnostic tests for screening purposes are available at laboratory facilities in the Republic of South Africa. The address of this laboratory is: Republic of South Africa: Director, Veterinary Research Institute, Onderstepoort, Pretoria, Transvaal Republic of South Africa.

Room 821, Hyattsville, Maryland, during regular hours of business (8:00 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register**.

Note.—This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as "significant" under those criteria. A draft Impact Analysis Statement has been prepared and is available from Program Services Staff, Veterinary Services, Animal and Plant Health Inspection Service, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782. (301) 436-8695.

Done at Washington, D.C., this 14th day of April 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-11920 Filed 4-17-80; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 8919]

Dancer-Fitzgerald-Sample, Inc.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, would require a New York City advertising agency to cease disseminating advertisements which misrepresent, or fail to make relevant disclosures regarding the contents, performance, effectiveness, or therapeutic superiority of Bayer Aspirin, Bayer Children's Aspirin, Cope, or similar non-prescription drug products manufactured by Sterling Drug Inc. Additionally, the firm would be required to substantiate all representations made for non-prescription drug products concerning their performance, effectiveness and freedom from side effects.

DATE: Comments must be received on or before June 20, 1980.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PF, Melvin H. Orlans, Washington, D.C. 20580. (202) 724-1529.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's rules of practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[Docket No. 8919]

Dancer-Fitzgerald-Sample, Inc.

Agreement Containing Consent Order To Cease and Desist

The agreement herein, by and between Dancer-Fitzgerald-Sample, Inc., a corporation, respondent in the above proceeding initiated by the Federal Trade Commission by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's rule governing consent order procedure.

1. Respondent Dancer-Fitzgerald-Sample, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware with its office and principal place of business located at 347 Madison Avenue, in the City of New York, State of New York.

2. Respondent has been served with the Commission's complaint charging it with violation of Sections 5 and 12 of the Federal Trade Commission Act, together with a form of order the Commission believes warranted in the circumstances.

3. Respondent admits all jurisdictional facts set forth in the said copy of the complaint of the Commission.

4. Respondent waives:

(a) Any further procedural steps;
(b) The requirement that the Commission's decision contains a statement of findings of fact and conclusions of law; and
(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the official record of the proceeding unless and until it is

accepted by the Commission. If this agreement is accepted by the Commission it, together with a draft of the complaint, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

6. No agreement, understanding representation or interpretation not contained in the order or the aforementioned agreement may be used to vary or to contradict the terms of the order. However, the complaint and other proceedings had under Docket 8919 may be used in construing the terms of the order.

7. This agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in the said complaint of the Commission issued in this proceeding.

8. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's rules, the Commission may, without further notice to respondent, (1) issue its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to respondents address as stated in this agreement shall constitute service.

9. Respondent has read the complaint and order contemplated hereby, and it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalty of up to \$10,000 for each violation of the order after it becomes final.

Order

I

It is ordered, That respondent Dancer-Fitzgerald-Sample, Inc., a corporation, its successors and assigns, and respondents' officers, agents,

representatives and employees directly or through any corporation, subsidiary, division or other device, forthwith cease and desist from:

A. Disseminating, or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act which:

1. Represents directly or by implication, in connection with the advertising, offering for sale, sale or distribution of Bayer Aspirin or any other product consisting of the same active ingredient in approximately equal amount, that Bayer Aspirin or such other product is superior in terms of significant therapeutic effect to any other aspirin unless such representation of superiority is true as applied to each and every brand of aspirin for which a comparison is made or implied.

2. Represents directly or by implication, in connection with the advertising, offering for sale, sale or distribution of Bayer Children's Aspirin, or any other product consisting of the same active ingredient in approximately equal amount, that Bayer Children's Aspirin or such other product is superior in terms of significant therapeutic effect to any other aspirin unless such representation of superiority is true as applied to each and every brand of aspirin for which a comparison is made or implied.

3. Represents directly or by implication, in connection with the advertising, offering for sale, sale or distribution of Cope, or any other product consisting of the same active ingredients in approximately equal amounts, that a recommended dose of Cope or such other product is more effective for the relief of nervous tension headaches than recommended doses of any other nonprescription analgesics.

4. Represents, directly or by implication, in connection with the advertising, offering for sale, sale or distribution of any non-prescription drug product, that any non-prescription drug product has a unique combination of ingredients when the claimed unique combination is contemporaneously available, regardless of proportion, in other non-prescription drug products unless respondent can establish that it neither knew, nor had reason to know, nor upon reasonable inquiry could have known of such other non-prescription drug product.

5. Fails to disclose that Cope contains aspirin and caffeine.

B. Disseminating or causing the dissemination of any advertisement by any means, which contains statements which are inconsistent with, negate, or

contradict any disclosures required by Paragraph A(5) above, or in any way obscure the meaning of such disclosures:

C. Disseminating, or causing the dissemination of, any advertisement by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of any of the products named in Paragraph A above in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations prohibited in Subparagraphs A(1) through A(4) above; or which fails to disclose the disclosures required in Subparagraph A(5) above;

D. Representing that aspirin alone relieves nervous tension, anxiety or irritability or will improve the user's mood;

E. Representing that a recommended dose of Cope, or any other product consisting of the same active ingredients in approximately equal amounts, relieves nervous tension, anxiety or irritability or will enable persons to cope with the ordinary stresses of everyday life;

F. Making any statement or representation, directly or by implication, concerning any product which is inconsistent with a contemporaneous claim made by respondent for any other product manufactured or distributed by the same advertiser, either directly or through any corporation, subsidiary, division or other device;

G. Representing directly or by implication, in connection with the advertising, offering for sale, sale or distribution of any non-prescription drug product that any claim is proved by one or more tests or studies when such tests do not prove such claims unless respondent can establish that it neither knew nor had reason to know, nor upon reasonable inquiry could have known, that such tests do not prove such claims.

II

It is ordered, That respondent Dancer-Fitzgerald-Sample, Inc., a corporation, its successors and assigns, and respondents' officers, agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any non-prescription drug product do forthwith cease and desist from:

A. Disseminating, or causing the dissemination of, any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, directly or by implication,

that a claim concerning the performance, effectiveness, or freedom from side effects of such product has been established, when there exists a substantial question, recognized by experts qualified by scientific training and experience to evaluate the safety and efficacy of such drug products, as to the validity of such claim, unless respondent can establish that it neither knew nor had reason to know, nor upon reasonable inquiry could have known, of the existence of such substantial question;

B. Making any statements or representations, directly or by implication, concerning the performance, effectiveness, or freedom from side effects of such product, unless at the time of such representations, respondents have competent and reliable scientific evidence to support such representations.

III

It is ordered, That respondent Dancer-Fitzgerald-Sample, Inc., a corporation, its successors and assigns, and respondents' officers, agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any non-prescription drug product do forthwith cease and desist from:

A. Disseminating, or causing the dissemination of, any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which fails to disclose that the product contains aspirin or caffeine, if such is the case: *Provided, however*, That a disclosure of aspirin content shall be unnecessary where the trademark or name contains the term "Aspirin;"

B. Disseminating, or causing the dissemination of, any advertisement by any means, which contains statements which are inconsistent with, negate or contradict any disclosures required by Paragraph A above, or in any way obscure the meaning of such disclosures;

C. Making any representation, directly or by implication, concerning the performance, effectiveness, or freedom from side effects of such product, when there exists a substantial question, recognized by experts qualified by scientific training and experience to evaluate the safety and efficacy of such drug products, as to the validity of such representation unless respondent can establish that it neither knew nor had reason to know, nor upon reasonable inquiry could have known, of the existence of such substantial question.

IV

Provided, however, That paragraphs II(A) and III(C) of this order shall not take effect or be binding unless or until an order provision embodying the "Standard" set forth in paragraphs II(A) and III(C), or any modification thereof, becomes final with respect to Sterling Drug, Inc., correspondent joined in the complaint issued in Docket No. 8919. *Provided further,* That should said order against Sterling Drug, Inc., contain a standard different or modified in any respect from the "Standard" set forth in said paragraphs, both parties agree to a reopening and modification of these paragraphs for the sole purpose of incorporating said modification into these paragraphs. For the purpose of this Paragraph IV the "Standard" shall mean "when there exists a substantial question recognized by experts qualified by scientific training and experience to evaluate the safety and efficacy of such non-prescription internal analgesic product."

Provided further, that the defense of "neither knew nor had reason to know, nor upon reasonable inquiry could have known," as set forth in Paragraphs II(A) and III(C) of this order shall not be revised or modified or otherwise affected, even though the "Standard" finally utilized is different or modified in any respect from the "Standard" set forth in said paragraphs.

Provided further, That should said order against Sterling Drug Inc., with respect to the prohibitions contained in paragraphs II(A) and III(C) of this Order, prohibit only representations as to the comparative performance, comparative effectiveness and comparative freedom from side effects, both parties agree to a reopening and modification of these paragraphs for the sole purpose of incorporating said modification into these paragraphs.

V

Provided further, That paragraphs III(A) and III(B) of this Order shall not take effect or be binding unless or until an order provision requiring the disclosure of aspirin or caffeine content becomes final with respect to Sterling Drug Inc. in Docket Number 8919.

Provided further, That nothing contained in this Order shall in any way limit respondent's right to move for a reopening of the Order under the rules of the Commission and request a modification thereof in accordance with the provisions of those rules.

VI

It is further ordered, That respondent corporation shall forthwith distribute a

copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any changes in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days and at the end of six (6) months after the effective date of the order served upon it, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with the order to cease and desist.

Signed this 8th day of December, 1977.

Dancer-Fitzgerald-Sample

[Docket 8919]

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has provisionally accepted an agreement to a proposed consent order from the above-named company.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charged respondent Dancer-Fitzgerald-Sample, Inc. ("Dancer") with disseminating advertisements containing false, misleading, deceptive and unsubstantiated representation for certain over-the-counter internal analgesics manufactured by Sterling Drug Inc., specifically Bayer Aspirin, Bayer Children's Aspirin and Cope.

Therefore, the order essentially contains the following provisions relating to claims made by Bayer Aspirin, Bayer Children's Aspirin and/ or Cope:

1. Dancer is prohibited from representing that Bayer Aspirin and similar 5 grain aspirin tablets are therapeutically superior to any other tablets unless the representation is in every respect true as to each and every other tablet.

2. Dancer is prohibited from representing that Bayer Children's Aspirin or any similar children's aspirin

tablet is therapeutically superior to any other children's aspirin tablet unless the representation is in every respect true as to each and every other children's aspirin tablet.

3. Dancer is prohibited from representing that Cope or any similar combination analgesic product is more effective for nervous tension headache relief than any other non-prescription analgesics. Additionally, Dancer is prohibited from representing that any O.T.C. product contains a unique combination of ingredients when another product of like composition is contemporaneously available unless respondent can establish that it neither knew, nor had reason to know nor upon reasonable inquiry could have known of such other OTC product.

4. Dancer must also disclose that Cope contains aspirin and caffeine. The effective date of this provision is postponed until such time as a similar order provision is entered and becomes final as against Sterling Drug.

5. Dancer is prohibited from representing that aspirin relieves nervous tension or will improve one's mood or that Cope or any similar combination analgesic product will relieve nervous tension or improve one's mood.

6. Dancer is prohibited from making claims for any product which are inconsistent with any contemporaneous claims it makes for other products produced by the same manufacturer.

With regard to representations made for any non-prescription drugs, Dancer essentially is prohibited from:

a. Making representations concerning performance, effectiveness or side effects unless there existed at the time of such representations, competent and reliable scientific evidence in support of such representations.

b. Representing that a claim is proved by tests or studies when such tests do not in fact prove such claims. It is a defense under this provision if Dancer can establish that it neither knew, nor should have known, nor upon reasonable inquiry could have known that such tests did not prove such claims.

c. Representing that a performance, effectiveness or side effects claim has been established when there exists a substantial question among qualified experts as to the validity of such a claim. It is a defense under this provision if Dancer can establish that it neither knew, nor should have known, nor upon reasonable inquiry could have known of the existence of such a substantial question. The effective date of this provision however, is postponed until such time as the guidelines for the

"substantial question" standard are determined with respect to Sterling Drug Inc.

The order also provides that should Sterling Drug Inc. be ultimately bound to prohibitions only as to representations regarding comparative performance (with regard to claims similar to those in (c) above) that Dancer may reopen and modify this order to achieve conformance with the Sterling order.

The purpose of this analysis is to facilitate public comment on the proposed order and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,
Secretary.

[FR Doc. 80-12002 Filed 4-17-80; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 436

Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

AGENCY: Federal Trade Commission.

ACTION: Invitation to comment on requested exemption from trade regulation rule.

SUMMARY: The Commission is requesting public comment with respect to a request of several automobile companies for an exemption from the requirements of the Franchise Rule.

DATE: Written comments will be accepted until May 19, 1980.

ADDRESS: Comments may be filed in person or mailed to: Secretary, Federal Trade Commission, 6th & Pennsylvania Ave. NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: John M. Tifford, PM-H-272, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580. (202) 523-3814.

SUPPLEMENTARY INFORMATION: On December 21, 1978, the Federal Trade Commission promulgated a trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures." In general, the rule provides for pre-sale disclosure to prospective franchisees of important information about the franchisor, the franchise business and the terms of the proposed franchise relationship. A summary of the rule appears as *Appendix A* below.

Section 18(g) of the Federal Trade Commission Act provides that any person or class of persons covered by a

trade regulation rule may petition the Commission for an exemption from such rule, and if the Commission finds that the application of such rule to any person or class of persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates, the Commission may exempt such person or class from all or any part of the rule.

On November 29, 1979, a petition for exemption pursuant to Section 18(g) was filed by Automobile Importers of America, Inc. On March 20, 1980, a petition for exemption pursuant to Section 18(g) was filed by American Motors Corporation.

Each petition is reproduced in full in *Appendix B*.

Briefly stated, Automobile Importers of America, Inc. alleges that an exemption should be granted to the companies listed in their exemption petition because (1) there is no franchisee support for coverage under the rule; (2) the disclosures required by the rule would not provide any meaningful assistance to franchisees; (3) the rule was not intended to cover franchisors with characteristics like the automobile industry; instead, the rule was intended to protect franchisees from financially unstable franchisors, using high pressure sales tactics to acquire franchisees as a source of low-cost capital; (4) AIA members do not seek out new dealers, do not charge a fee, do not sell dealerships to raise capital, and the dealers are sophisticated and experienced; (5) there is no harm to dealers at the present time in the sale of franchises; (6) existing federal and state regulations provide all the necessary protection and (7) some disclosures would be extremely burdensome, especially the rule's requirements regarding U.S. financial statements since not all of their member companies use U.S. accounting principles, and the rule's requirement that out-of-court settlements of litigation be disclosed.

Briefly stated, American Motors Corporation alleges that an exemption should be granted because: (1) The rulemaking record does not contain evidence of abuses by A.M.C. or the auto industry in general; rather, the record contains favorable comments about the automobile industry; (2) none of the three characteristics which the Commission has articulated in its Statement of Basis and Purpose for the Franchise Rule as creating the potential for unfair and deceptive trade practices by franchisors are present with respect to A.M.C.; thus, A.M.C. neither grants dealerships in order to obtain low cost capital, nor selects dealers who are

unsophisticated persons with little previous business experience, nor uses high pressure sales tactics to sign up new dealers, and (3) the rule will impose a financial burden on A.M.C.

For a complete presentation of the arguments submitted by each petitioner, please refer to the full text of the petitions set forth as *Appendix B*.

In assessing the present exemption request, four fundamental issues also should be considered. These concern (1) whether, and to what extent, the petitioning person or class has engaged in unfair or deceptive acts or practices the occurrence of which is the subject of the rule, (2) if there is little or no evidence of abuses, whether there are significant structural or operational differences between the petitioning group and other persons covered by the rule that may account for that fact, (3) if, regardless of whether the petitioning party seeks an exemption for itself only or, alternatively, for all members of an industry, whether a factual showing has been made pertaining to all members of an industry and not merely to the petitioner, such that treatment as a "class" is appropriate. In other words, are there distinguishing characteristics associated with the petitioning person or a class that explain the absence of significant past abuses (if such is the case) and make it unlikely that such person or class will engage in the future in the acts or practices to which the rule is addressed and (4) if appropriate, whether an exemption should be limited to the petitioners or made applicable to a class, and if the latter, the proper definition of the class sharing the characteristics that make applicability of the rule unnecessary. The Commission is also interested in receiving comments on whether provisions of the Automobile Dealer Franchise Act or the Automobile Dealers Day in Court Act constitute industry-specific federal substantive law sufficient to remedy the same abuses that the rule attempts to remedy through the alternative strategy of information disclosure.

The Commission has analyzed the arguments made by petitioners and concluded that further inquiry is warranted before a determination regarding the petitions can be made. The Commission, therefore, seeks comment regarding the exemption requested by petitioners.

All interested parties are hereby notified that they may submit written data, views or arguments on any issues of fact, law or policy that may have some bearing on the requested exemption whether or not such issues have been raised by the petitions or in

this notice. Such submissions may be made for thirty days to the Secretary of the Commission.

Written comments will be accepted until May 19, 1980. Comments may be filed in person or mailed to: Secretary, Federal Trade Commission, 6th and Pennsylvania Ave. N.W., Washington, DC 20580.

Comments should be identified as "Auto Industry Franchise Rule Exemption Comment" and, if possible, be submitted in five copies.

By direction of the Commission.

Carol M. Thomas,
Secretary.

Appendix A—Franchise Rule Summary

The Franchise Rule, which is formally titled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures," (16 CFR 436) has been promulgated in response to widespread evidence of deceptive and unfair practices in connection with the sale of the types of businesses covered by the Rule. These practices often are able to exist because prospective franchisees lack a ready means of obtaining essential and reliable information about the business in which they are asked to invest their money and, frequently, their labor. This lack of information reduces the ability of prospective franchisees either to make an informed investment decision or otherwise verify the representations of the business' salespersons.

The Rule attempts to deal with these problems by requiring franchisors and franchise brokers to furnish prospective franchisees with information about the franchisor, the franchise business and the terms of the franchise agreement. Franchisors and franchise brokers must furnish additional information if they have made any claim about actual or potential earnings, either to the prospective franchisee or in the media. All disclosures must be made (i) before any sale is consummated and (ii) by means of disclosure documents whose form and content are set forth in the Rule.

The Rule requires disclosure of material facts. It does not regulate the substantive terms of the franchisor-franchisee relationship. It does not require registration of the offering or the filing of any documents with the Federal Trade Commission in connection with the sale of franchises.

A. Businesses Covered by the Rule (§ 436.2(a))

Either of two types of continuing commercial relationships are defined as a "franchise" and covered by the Rule.

The first type involves three characteristics: (1) The franchisee sells goods or services which meet the franchisor's quality standards (in cases where the franchisee operates under the franchisor's trade mark, service mark, trade name, advertising or other commercial symbol designating the franchisor ("mark")) or which are identified by the franchisor's mark; (2) the franchisor exercises significant control over, or gives the franchisee significant assistance in, the franchisee's method of operation; and (3) the franchisee is required to make a payment of \$500 or more to the franchisor or a person affiliated with the franchisor within six months after the business opens.

The second type also involves three characteristics: (1) The franchisee sells goods or services which are supplied by the franchisor or a person affiliated with the franchisor; (2) the franchisor secures accounts for the franchisee, or secures locations or sites for vending machines or rack displays, or provides the services of a person able to do either; and (3) the franchisee is required to make a payment of \$500 or more to the franchisor or a person affiliated with the franchisor within six months after the business opens.

Relationships covered by the Rule include those which are within the definition of "franchise" and those which are represented as being within the definition when the relationship is entered into, regardless of whether, in fact, they are within the definition.

The Rule exempts (1) fractional franchises; (2) leased department arrangements; and (3) purely verbal agreements. The Rule excludes (1) relationships between employer/employees, and among general business partners; and (2) membership in retailer-owned cooperatives; (3) certification and testing services; and (4) single trademark licenses.

B. The Disclosure Document (§ 436.1(a))

All franchisors must furnish the document described in this section. The disclosure document requires information on the following 20 subjects:

1. Identifying information about the franchisor.
2. Business experience of the franchisor's directors and key executives.
3. The franchisor's business experience.
4. Litigation history of the franchisor and its directors and key executives.
5. Bankruptcy history of the franchisor and its directors and key executives.
6. Description of the franchise.

7. Money required to be paid by the franchisee to obtain or commence the franchise operation.

8. Continuing expenses to the franchisee in operating the franchise business that are payable in whole or in part to the franchisor.

9. A list of persons who are either the franchisor or any of its affiliates, with whom the franchisee is required or advised to do business.

10. Realty, personalty, services etc. which the franchisee is required to purchase, lease or rent, and a list of any persons from whom such transactions must be made.

11. Description of consideration paid (such as royalties, commissions, etc.) by third parties to the franchisor or any of its affiliates as a result of a franchisee's purchase from such third parties.

12. Description of any franchisor assistance in financing the purchase of a franchise.

13. Restrictions placed on a franchisee's conduct of its business.

14. Required personal participation by the franchisee.

15. Termination, cancellation and renewal of the franchise.

16. Statistical information about the number of franchises and their rate of terminations.

17. Franchisor's right to select or approve a site for franchise.

18. Training programs for the franchisee.

19. Celebrity involvement with the franchise.

20. Financial information about the franchisor.

The disclosures must be made in a single document, with a cover sheet setting forth the name of the franchisor, the date of issuance of the document, and a statement—whose text is set forth in the Rule—advising the prospective franchisee of the contents and purpose of the document. The document may not include information other than that required by the Rule or by State law not preempted by the Rule. However, the franchisor may furnish other information to the prospective franchisee which is not inconsistent with the material set forth in the disclosure document.

The disclosure document must be given to a prospective franchisee at the earlier of either (1) the prospective franchisee's first personal meeting with franchisor, or (2) ten days prior to the execution of a contract or payment of consideration relating to the franchise relationship. At that time, the franchisor or franchise broker must give the prospective franchisee copies of the franchisor's standard franchise agreement.

The information in the disclosure document must be current as of the completion of the franchisor's most recent fiscal year. In addition, a revision of the document must be prepared quarterly whenever there has been a material change relating to the franchise business of the franchisor.

C. Earnings Claims (§ 436.1 (b)-(e))

The Rule prohibits earnings representations about the actual or potential sales, income, or profits of existing or prospective franchisees unless (i) reasonable proof exists to support the accuracy of the claim, (ii) the franchisor has in its possession, at the time the claim is made, information sufficient to substantiate the accuracy of the claim, (iii) the claim is geographically relevant to the prospective franchisee's proposed location (except for media claims) and (iv) an earnings claim disclosure document is given. The earnings claim document must contain six items:

1. A cover sheet in the form specified in the rule.
 2. The earnings claim.
 3. A statement of the bases and assumptions upon which the earnings claim is made.
 4. Information concerning the number and percentage of outlets that have earned at least the amount set forth in the claim, or a statement of lack of experience, as well as the beginning and ending dates of the time period covered by the claim.
 5. A mandatory caution statement, whose text is set forth in the rule, concerning the likelihood of duplicating the earnings claim.
 6. A statement that information sufficient to substantiate the accuracy of the claim is available for inspection by the franchisee (except for media claims).
- Prospective franchisees must be notified of any material changes in the information contained in the earnings claim document prior to becoming a franchisee.

D. Acts or Practices Which Violate the Rule

It is an unfair or deceptive act or practice within the meaning of section 5 of the Federal Trade Commission Act for any franchisor or franchise broker:

1. To fail to furnish prospective franchisees, within time frames established by the Rule, with a disclosure document containing information on 20 different subjects relating to the franchisor, the franchise business and the terms of the franchise agreement (§ 436.1(a));
2. To make any representations about the actual or potential sales, income, or

profits of existing or prospective franchisees except in the manner set forth in the Rule (§ 436.1 (b)-(e));

3. To make any claim or representation (such as in advertising or oral statements by salespersons) which is inconsistent with the information required to be disclosed by the Rule (§ 436.1(f));

4. To fail to furnish prospective franchisees, within the time frames established by the Rule, with copies of the franchisor's standard forms of franchise agreements and copies of the final agreements to be signed by the parties (§ 436.1(g)); and

5. To fail to return to prospective franchisees any funds or deposits (such as down-payments) identified as refundable in the disclosure document (§ 436.1(h)).

Violators are subject to civil penalty actions brought by the Commission of up to \$10,000 per violation.

The Commission believes that the courts should and will hold that any person injured by a violation of the Rule has a private right of action against the violator, under the Federal Trade Commission Act, as amended, and the Rule. The existence of such a right is necessary to protect the members of the class for whose benefit the statute was enacted and the Rule is being promulgated, is consistent with the legislative intent of the Congress in enacting the Federal Trade Commission Act, as amended, and is necessary to the enforcement scheme established by the Congress in that Act and to the Commission's own enforcement efforts.

E. State Franchise Laws

The Commission's goals are to create a minimum Federal standard of disclosure applicable to all franchisor offerings, and to permit States to provide additional protection as they see fit. Thus, while the Federal Trade Commission Trade Regulation Rules have the force and effect of Federal law, and, like other Federal substantive regulations, preempt State and local laws to the extent that these laws conflict, the Commission has determined that the Rule will not preempt State or local laws and regulations which either are consistent with the Rule or, even if inconsistent, which would provide protection to prospective franchisees equal to or greater than that imposed by the Rule.

Examples of State laws or regulations which would not be preempted by the Rule include State provisions requiring the registration of franchisors and franchise salesmen, State requirements for escrow or bonding arrangements and State required disclosure obligations

exceeding the disclosure obligations set forth in the Rule. Moreover, the Rule does not affect State laws or regulations which substantively regulate the franchisor/franchisee relationship, such as termination practices, contract provisions and financing arrangements.

F. The Uniform Franchise Offering Circular

The Uniform Franchise Offering Circular ("UFOC") now is accepted in satisfaction of the disclosure requirements in 14 States which have franchise registration and disclosure laws. The UFOC format is not identical to the disclosure format prescribed in the Rule. For example, there are minor differences in language on similar disclosure requirements; there are subjects about which the UFOC requires more disclosure than the Rule, and subjects where the Rule requires more disclosure than the UFOC. Even though the two documents are not identical in language, they are quite similar; in any event, both documents are designed to achieve the same result regardless of any minor variations in the means used to reach that result. Accordingly, the Commission will permit franchisors to use the UFOC format in lieu of the disclosure document provided by the rule. This alternative use is limited to the UFOC version adopted by the Midwest Securities Commissioners Association, Inc., on September 2, 1975 plus any modifications thereof which do not diminish the protection accorded to the prospective franchisee which may be made by a State in which such registration has been made effective.

Certain provisions of the Rule still will control even if the UFOC format is used in lieu of the Rule's disclosure document, such as: (i) The persons required to make disclosure; (ii) transactions requiring disclosure; (iii) the timing of the disclosure; and (iv) the types of documents to be given to prospective franchisees.

The Commission's decision to permit use of a State disclosure document in lieu of its own document does not constitute Commission deferral to State law enforcement. The Commission is expressly providing for concurrent jurisdiction between the Commission and the States in appropriate instances. The Commission's action does not and is not intended to deprive the Commission of its responsibility to determine whether particular franchisors have complied with the Rule.

Appendix B

(TRR. No. 215-34)

Petition of Automobile Importers of America, Inc. for Exemption From Trade Regulation Rule

In the Matter of the Trade Regulation Rule "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures."

Automobile Importers of America, Inc., (AIA) hereby petitions the Federal Trade Commission (FTC or Commission) pursuant to 15 U.S.C. 57a(g) and 16 CFR 1.16 and 1.21 *et seq.* for exemption from the trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures." 16 CFR Part 436 (the rule).¹ The final rule was promulgated on December 21, 1978 and was effective October 21, 1979.

I. Background

1. *The Petitioner.*—AIA is a trade association organized as a non-profit District of Columbia corporation. There are three types of AIA member companies: Members, Associate Members, and Subscribing Members. AIA Members either import motor vehicles into or manufacture motor vehicles for export to the United States. The Members of AIA at the present time are: Alfa Romeo, Inc.; American Honda Motor Co., Inc.; BMW of North America, Inc.; Fiat Motors of North America, Inc.; Isuzu Motors Limited; Jaguar Rover Triumph, Inc. (formerly British Leyland Motors, Inc.); Lotus North America, Inc.; Mazda Motors of America, Inc.; Mitsubishi Motors Corporation; Nissan Motor Corporation in U.S.A.; Peugeot Motors of America, Inc.; Renault USA, Inc.; Rolls-Royce Motors, Inc.; Saab-Scania of America, Inc.; Subaru of America, Inc.; Toyota Motor Sales U.S.A., Inc.; and Volvo of America Corporation.

Associate Members are automobile equipment companies which either import into or export to the United States. The Associate Members of AIA are: Bridgestone Tire Company of America; Ceat Representative Office, Inc.; Lucas Industries, Inc.; Michelin Tire Corporation; Pirelli Tire Corporation; Semperit of America, Inc.; SEV Corporation; Toyo Tire U.S.A. Corp.; and the Yokohama Rubber Co., Ltd.

The Subscribing Members whose interests are represented here either import motor vehicles into the United States or plan to sell their vehicles here in the near future. Those Subscribing Members are as follows: Delorean Motor Company; Hyundai Motor Company; Satra Corporation; U.S. Suzuki Motor Corporation; Yamaha Motor Corporation, U.S.A.; and POL MOT.²

2. *The Rule.*—Pursuant to 15 U.S.C. 41 *et seq.*, the FTC instituted on November 11, 1971 a proceeding for the promulgation of the trade regulation rule at issue here. Interested parties, including the domestic motor vehicle manufacturers, AIA and several AIA member companies individually, participated in the rulemaking through the submission of written comments and attendance at the public hearings conducted from February 14 through March 1, 1972.

On August 22, 1973, the FTC published a revised proposed rule. Written comments were once again submitted, and on November 20, 1974, the record closed. After a period of more than four years, the final rule was adopted in December 1978.

The rule requires, *inter alia*, written disclosures in connection with the offering or sale of "product franchises," defined as business relationships having three elements: (1) The use of a franchisor's trademark by a franchisee; (2) the exercise of significant control over or the provision of significant assistance to the franchisee by the franchisor; and (3) a required payment to the franchisor from the franchisee of at least \$500.00 within the franchisee's first six months of business. 16 CFR 436.2.

The disclosures which are of particular concern to AIA member companies are those concerning financial information, 16 CFR 436.1(a)(20), and litigation settlement, 16 CFR 436.2(a)(14).

3. *Administrative and Judicial Proceedings.*—After the promulgation of the rule, numerous actions for judicial review were commenced across the nation and were eventually consolidated in the United States Court of Appeals for the Ninth Circuit under the caption *In Re: FTC Franchise Rule Review*, No 78-3680 *et al.* Realizing that its member companies might be covered by the rule and believing that any application of the rule to them was unlawful, AIA intervened in these

proceedings by order filed on May 18, 1979.

On July 25, 1979, the FTC issued final guides interpreting the "required payment" element of the rule's franchise definition so as to exclude purchases of inventory at *bona fide* wholesale prices, 44 FR at 49967. The final guides also provided that a promissory note executed within the first six months of a franchisee's commencement of business but not payable until sometime after this six month period would not be counted towards the rule's \$500 minimum payment requirement. *Id.* at 49968.

After reviewing the guides, AIA sought an advisory opinion from the FTC concerning whether, in light of the *bona fide* wholesale price interpretation, AIA member companies would come within the scope of the rule if each member company altered its method of doing business so that new dealers would be permitted, during their first six months of business, to pay for property not held for resale³ in excess of \$499.99 with promissory notes payable after the initial six month period. On August 9, 1979, the FTC staff indicated that member companies would not fall within the scope of the rule if they so altered their business methods. The FTC ratified the informal staff opinion, as amended, on October 5, 1979.

In light of the advisory opinion and ratification, AIA moved to withdraw from the litigation in the Ninth Circuit on October 18, 1979. This motion was granted on November 1, 1979.

Thus, AIA member companies intend to either comply with the rule or alter their methods of doing business so as to fall within the scope of the FTC advisory opinion and outside the scope of the rule. Both choices, however, are burdensome. Accordingly, AIA member companies now seek exemption from the rule for the following three reasons:

(1) The application of the rule to AIA member companies is not necessary to prevent the unfair or deceptive acts to which the rule relates; (2) The exemption of AIA member companies will not harm the dealers with which they do business; and (3) Compliance with either the rule or the terms of the advisory opinion is burdensome to AIA member companies.

II. AIA Member Companies Should Be Exempted From the Rule.

1. *The Application of the Rule to AIA Member Companies is Not Necessary to Prevent the Unfair or Deceptive Acts or Practices to Which the Rule Relates.* The application of the rule to AIA

¹This petition supersedes AIA's exemption petition filed on May 31, 1979, which the Commission has not acted upon. By submitting this petition, AIA in no way acknowledges the validity of either the rule or its application to AIA member companies. This petition is thus submitted by AIA only based upon the assumption that the rule applies to its member companies.

²The member companies whose interests are represented here therefore include firms that manufacture or import automobiles, light trucks, motorcycles and motor vehicle equipment.

³This would include such things as repair manuals, special tools and promotional material.

member companies is not necessary to prevent the unfair or deceptive acts or practices to which the rule relates because: (a) These acts do not occur in the imported motor vehicle industry; and (b) the factors which the FTC has found are responsible for these abuses are not present in the imported motor vehicle industry. Accordingly, an exemption is entirely proper. 15 U.S.C. 57a(g).

a. *There are no unfair or deceptive acts in connection with the establishment of motor vehicle dealerships by AIA member companies.* The FTC promulgated the rule because it determined that some franchises are marketed through the following four unfair and deceptive acts: (1) Misrepresentation; (2) unsubstantiated claims; (3) refusals to refund; and (4) the failure to disclose. *Statement of Basis and Purpose*, 43 FR at 59628, 59637; *Final Guides*, 44 FR at 49966. The lack of any indication in the rulemaking record that a dealer appointed by an AIA member company has ever been the victim of any of these unfair and deceptive acts establishes that the application of the rule to AIA member companies is not necessary to prevent such acts or practices. Accordingly, AIA member companies should be granted an exemption.

With respect to this rule, the Commission never received one complaint from a motor vehicle dealer charging unfair or deceptive acts on the part of a manufacturer, importer or distributor in connection with the establishment of a dealership. Moreover, throughout the rule's nine year history, no comment was ever filed by either a domestic or imported motor vehicle dealer either requesting or supporting the application of the rule to the motor vehicle industry.⁴

The lengthy public record contains over 400 complaints, principally from franchisees, alleging abuses by over 170 franchisors. *Statement of Basis and Purpose*, 43 FR at 59627. Not one complaint, however, involves an automobile dealership. See FTC Memorandum from Michael C. McCarey to Edward W. Colbert dated February 4, 1975 (attached as Exhibit A). If there is no evidence of unfair or deceptive acts in connection with the establishment of motor vehicle dealerships, then the application of the rule to AIA member companies is obviously not necessary to prevent such acts.

Moreover, as fully discussed below, the American Imported Automobile Dealers Association (AIADA) fully supports AIA's position that its member companies should be exempted from the rule. Clearly, if the individuals whom

the rule seeks to protect state that: (1) They do not need the rule's protection; (2) the disclosures requested by the rule would not meaningfully aid the seeker of an automobile franchise in evaluating the venture; and (3) they neither see the need nor wish for the rule to apply to foreign motor vehicle manufacturers, distributors, and importers, then it is entirely proper for the Commission to exempt AIA member companies from the scope of the rule.

b. *Those factors which the FTC has found are responsible for abuses are not found in the imported motor vehicle industry.* There are no unfair acts in connection with the establishment of dealerships by AIA member companies because the factors which the FTC has found are responsible for such abuses do not exist in the imported motor vehicle industry. The FTC has determined that the unfair or deceptive acts and practices are a result of unscrupulous, financially unstable franchisors which employ high pressure sales tactics to obtain low-cost capital through the "up front" money of unsophisticated franchisees. See *Statement of Basis and Purpose*, 43 FR at 59623, 59625-26, 59652, 59698, 59703.

This state of affairs simply does not exist in the imported motor vehicle industry. To the contrary, each AIA member company is a reputable, well established firm and part of a world-wide organization which manufactures and sells motor vehicles, not dealerships. AIA member companies do not use high pressure sales tactics to secure new dealers. Indeed, members do not seek out new dealers; rather, interested persons seek out member companies. There are far more people interested in acquiring a dealership than there are dealerships to be awarded. Furthermore, dealerships are established without any franchise fee. Member companies make money only through the sale of motor vehicles, and they are thus dependent upon the ongoing financial health of their dealers. Member companies do not establish dealerships in order to generate low cost capital and there is therefore absolutely no incentive on their part to engage in unfair acts. Finally, the dealers of AIA member companies are sophisticated and experienced businessmen who invest considerable sums of money in establishing their businesses. (See AIADA letter attached as Exhibit B).

Clearly, the factors which give rise to the abuses the rule seeks to prevent are not present in the imported motor vehicle industry. AIA member companies are simply not the type of "franchisors" from which the public needs protection. Accordingly, there is no need for the rule to apply to them. Indeed, since the early days of the rule's nine year history, domestic motor vehicle manufacturers and foreign

manufacturers and importers have maintained that there is no need for the rule to apply to them, and they have presented considerable evidence supporting this conclusion. See e.g., Comments of Toyota Motor Sales U.S.A. dated November 20, 1974.

2. *No Harm to Motor Vehicle Dealers.* The granting of an exemption will not harm existing or prospective motor vehicle dealers. This fact is explicitly shown by AIADA's position that the rule should not apply to AIA member companies. (See the letter of Robert M. McElwaine attached as Exhibit B). AIADA, the principal association devoted to imported car dealers in the United States, maintains that there is no need for AIA member companies to be included within the scope of the rule and that they should be excluded. AIADA has stated that it would serve no reasonable purpose for the rule to apply to AIA member companies and that the legal rights of AIADA members which are set forth in existing federal and state statutes⁵ would not be expanded in any meaningful way by the rule.

The comment submitted by the National Automobile Dealers Association (NADA) in no way supports the proposition that dealers will be injured by the exemption of AIA member companies. Of the thousands of pages comprising the rulemaking record here, this statement was the only submission presented by or on behalf of automobile dealers. Moreover, the NADA paper is a comment, not a complaint, and does not allege unfair or deceptive acts in the sale of dealerships. Certainly, this brief statement filed in 1972, commenting upon the original proposed rule, is an insufficient predicate on which to base the conclusion that dealers will be harmed by the exemption of AIA member companies. Indeed, NADA *opposed* one disclosure provision of the proposed rule and the four other provisions which NADA discussed have been the subject of state legislation in many jurisdictions within the last seven years. In any event, NADA now takes no position as regards AIA's belief that its member companies should be excluded from the scope of the rule.⁶

⁵ We note that more than three quarters of the states presently have statutes specifically regulating the motor vehicle franchisor-franchisee relationship. These state laws regulate virtually every critical aspect of the motor vehicle franchise relationship, especially termination and the establishment of new dealerships within an existing market area. Furthermore, the Federal Dealer's Day in Court Act, 15 U.S.C. 1221 *et seq.*, requires automobile franchisors to act in good faith in performing or complying with the terms or provisions of the franchise or in terminating or not-renewing the dealership.

⁶ We also note that in any event, AIA member companies will not make any disclosures if they operate in accordance with the terms of the FTC advisory opinion and hence are outside the scope of the rule.

⁴ The National Automobile Dealers Association (NADA) did file a vague comment but now takes no position as regards AIA's contention that it is unnecessary for AIA member companies to be included within the scope of the rule. See *infra* page 12.

3. *Compliance With Either the Rule or the Advisory Opinion Is Burdensome to AIA Member Companies.* As mentioned above, AIA member companies presently have two choices—either to comply with the rule or to alter their business methods so as to fall within the scope of the FTC advisory opinion and outside the purview of the rule. Both of these alternatives are burdensome.

Virtually all AIA member companies are wholly owned subsidiaries of large foreign firms and are, for the most part, not public corporations. The financial arrangements under which each operates, therefore, are not public knowledge and are known neither by domestic manufacturers nor by other AIA member companies. Most member companies have made the conscious choice not to be public, and their businesses are designed to operate without disclosing financial information. Their foreign parent companies (which do not do business in the United States) also do not disclose as detailed financial information as is required by the FTC rule, and neither the foreign parents' nor the U.S. subsidiaries' bookkeeping methods are necessarily in accordance with generally accepted *United States* auditing standards.

a. *The burden of complying with the rule.* Section 436.1(a)(20) of the rule requires the detailed disclosure of financial information. This section also mandates that financial statements be prepared in accordance with generally accepted U.S. accounting principles, *Statement of Basis and Purpose*, 43 FR at 59680, n. 433, by a U.S. certified or licensed public accountant. *Id.* at 59680.

These requirements are burdensome for three reasons. First, the development and implementation of the required accounting and disclosure systems will involve an enormous expense. More importantly, the disclosure of confidential financial information could cause substantial harm to the competitive positions of member companies. "Disclosure would provide competitors with valuable insight into the operational strengths and weaknesses of (the supplier of the information) * * *. Selective pricing, market concentration, expansion plans * * * would be facilitated by knowledge of the financial information * * *. Suppliers, contractors, labor unions and creditors, too, could use such information to bargain for higher prices, wages, or interest rates * * *." *National Parks and Conservation Association v. Kleppe*, 547 F.2d 673, 684 (D.C. Cir. 1976); see also, *Comstock International v. Export Import Bank of U.S.*, 464 F. Supp.

804, 810 (D.D.C. 1979). Finally, the motor vehicle industry is not included within the scope of state franchise laws,⁷ and AIA member companies therefore do not have existing disclosure systems or completed Uniform Franchise Offering Circulars which can be easily used to comply with the disclosure requirements of the rule. See 43 FR at 59752.

The rule will also require AIA member companies to disclose all out-of-court dealer litigation settlements over the last 7 years. 16 CFR 436.1(a)(14). This requirement would impose a tremendous burden upon AIA member companies. A company's ability to negotiate a settlement will be seriously if not fatally compromised if the dealer possesses a 7 year history of all prior settlements. This is so even though the exact dollar amount of a settlement need not be disclosed if it is not disclosed in any court paper. *Final Guides*, 44 FR at 49973. If a confidential settlement goes into the millions, obviously even the disclosure of a settlement "in the low six figures" will substantially impair a member company's future settlement negotiations.

b. *The burden of complying with the FTC advisory opinion.* It is also burdensome for each member company to alter its method of doing business so as to fall within the scope of the FTC advisory opinion and outside the scope of the rule. In order to comply with the advisory opinion, they will have to permit new dealers during their first six months of business to pay for property not held for resale in excess of \$499.99 with promissory notes payable after the six month period. Member companies are not banks and will find the problems and risks associated with providing such financing to be onerous, especially in today's financial world. Further, financing will create considerable administrative expenses and paperwork. It will also disrupt the business systems of member companies because the method of payment of new dealers will be different from that of established dealers. This will require the creation of two bureaucracies, one for new dealers and one for established dealers.

In short, whether member companies choose to comply with the rule or the FTC advisory opinion, they will be faced with a substantial burden totally unnecessary in light of the fact that the application of the rule to them is not needed to prevent the unfair acts the rule is designed to prevent.

⁷ This is so because in order to fall within the scope of state franchise laws, the franchisor must require a franchisee to pay a franchise fee.

III. Conclusion

AIA's petition for exemption should be granted because: (1) The application of the rule to AIA member companies is not necessary to prevent the unfair or deceptive acts to which the rule relates; (2) the granting of the exemption will not harm motor vehicle dealers; and (3) compliance with either the rule or the advisory opinion is burdensome to AIA member companies.

Dated: November 29, 1979.

Respectfully submitted,

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Attorneys for Automobile Importers of America, Inc.

Milton D. Andrews,

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900 17th Street, NW., Suite 1100, Washington, D.C. 20006, (202) 347-6007.

United States Government Memorandum
To: Michael C. McCarey, Deputy Assistant,
Director, Division of Marketing Practices,
Date: February 4, 1975
From: Edward W. Colbert, Legal Assistant,
Division of Marketing Practices
Subject: Analysis of Franchise Complaints
Contained In The Public Record of The
Revised Proposed Rule Relating To
Disclosure Requirements And Prohibitions
Concerning Franchising

A total of 475 sets of documents have been filed in Category (IV) in the course of this rulemaking proceeding.⁸ Category (IV) consists of letters and accompanying documents obtained from, or in behalf of, franchisees alleging a wide range of abuses associated with a variety of franchise and business opportunity offerings. The letters and accompanying documents contained in Category (IV) were referred to the Commission by state agencies, chambers of commerce, regional FTC offices, members of Congress, Better Business Bureau offices, and attorneys representing franchisees. However, the largest single group of complaints was submitted by franchisees themselves. In most cases, these complaints request the Commission's assistance in obtaining refunds. In some instances, the complaints take the form of statements taken during interviews conducted by the Commission staff.

The documents contained in Category (IV) can be divided into two groups: (1) Documents relating primarily to comments and opinions concerning the provisions of the Rule, and (2) documents detailing specific complaints. This memo will discuss only the latter group.

⁸ The public record is divided into four sections—background materials (I); submissions from academicians and government officials (II); submissions from franchisors (III); and comment and material from franchisees (IV).

I. Number of Complaints Filed and Types of Companies Involved.

A. Complaints Filed During The First Period For Comment.

A. total of 171 sets of documents were filed in Category (IV) from January 26 through March 3, 1972. Most of the statements taken and letters submitted during this period involve business opportunity offerings. Forty-two documents concern alleged abuses in connection with the sale of distributorships. Thirty-eight of the documents submitted involve alleged unfair and deceptive practices with respect to the sale of vending machines. Fourteen letters of complaint were received regarding the sale of rack jobber routes, and eight documents involve alleged misrepresentations or fraud in connection with pyramid schemes and multi-level distributorships.

Fifty-five documents involved complaints against companies more commonly thought of as franchises, namely gasoline service stations (2), coin-operated laundries (1), convenience food stores (5), campgrounds (5), loan referral services (2), copy centers (2), employment agencies (4), franchise sales (2), ice cream stores (4), donut stores (2), fast food restaurants (7) and retail stores (4). Additionally, fifteen complaints were received involving miscellaneous franchise offerings such as tutoring courses, coffee services, art galleries, car washes and mini-theaters.

B. Complaints Filed During The Second Period For Comment.

A total of 229 complaints and accompanying documents were filed in Category (IV) on November 29, 1974.

Most of the letters filed in Category (IV) during this period involve business opportunity offerings. Eighty-four of the complaints received allege fraud and misrepresentation in connection with the sale of distributorships (Appendix A). There are sixty-nine letters of complaint detailing problems encountered in connection with the sale of vending machines (Appendix B), and sixteen complaints involve alleged fraud and misrepresentation in connection with the sale of rack jobber routes (Appendix C). Twenty-six complaints involve pyramid schemes and multi-level distributorships (Appendix E).

With respect to traditional franchisors, only nine of the complaints filed involved fast-food restaurants (Appendix D). The remaining complaints involve a miscellaneous group of franchise offerings and are set forth in Appendix F.

II. Nature of the Complaints Filed *

As stated above, Category (IV) contains complaints alleging a wide range of abuses. While variations exist with respect to the abuses complained of (depending upon which particular franchising format or industry is

involved), a pattern of abuses in the franchising industry can be seen. The abusive practices which are the most common sources of complaint regardless of the type of franchising involved are exaggerated earnings projections¹⁰ and misleading advertisements.¹¹

Many franchisees state that they were promised exclusive areas, territories, dealerships or distributorships, only to discover later that the franchisor would give them no territorial protection, or that they were competing with other distributors or dealers who were also given assurances that they had "exclusive rights."¹²

Other commonly alleged abuses include failure to provide equipment or supplies contracted for,¹³ franchisor bankruptcy,¹⁴ excessive royalties,¹⁵ and failure to provide training or services as promised.¹⁶

Some of the abuses complained of seem to be present only where a particular type of franchising is involved. For instance, a large number of franchisees entering agreements to purchase rack jobber routes, distributorships, and vending machines state that they were assured "attractive locations" or "established routes" which proved to be fictitious.¹⁷

¹⁰ Phillips B. Wilde, Jr., R.IV, 2811. Marie Estevez, R.IV, 2836. Donald L. Mitchell, R.IV, 2851. Donald R. Phillips, R.IV, 2852. J. Paul Spector, Esq., R.IV, 2853. Jack Long, R.IV, 2866. John G. Jones, R.IV, 2869. Andrew Mobly, R.IV, 2898. Joseph C. Keating, R.IV, 2912. George Kirksey, R.IV, 2917. Edward R. Gilda, R.IV, 2920. Mrs. Dewane Johnson, R.IV, 2921. Nick Bardon, R.IV, 2923. John S. Davis, R.IV, 2931. Name and Address Obliterated, R.IV, 2976. Unidentified Individual, R.IV, 2978. Roger F. Williams, R.IV, 2816. Will G. Loomis, R.IV, 2832.

¹¹ Ronald D. Kabacinski, R.IV, 2819. Henry C. Guhl, R.IV, 2834. Name and Address Obliterated, R.IV, 2860. David Glenn, Sr., R.IV, 2867. Wayne H. Hoecker, R.IV, 2895. Andrew Mobley, R.IV, 2898. Margaret L. Witherspoon, R.IV, 2962. Paul Witley, R.IV, 2910. Joseph C. Keating, R.IV, 2912. George Kirksey, R.IV, 2917. Edward R. Gilda, R.IV, 2920. Leo L. Schmucker, R.IV, 2927. Name and Address Obliterated, R.IV, 2936.

¹² J. Paul Spector, R.IV, 2852. Paul Whitley, R.IV, 2910. Dick Sullivan, R.IV, 2919. U.S. Chamber of Commerce, R.IV, 2938. William H. Aaron, R.IV, 2939. William Lanisch, R.IV, 2940. M. O. Payne, R.IV, 2949. Nick F. Salaki, R.IV, 2964. Regmar W. Horneman, R.IV, 2951.

¹³ William A. Aaron, R.IV, 2938. Jerome Lund, R.IV, 2874. Name and Address Obliterated, R.IV, 2876. M. Victoria Geddis, Esq., R.IV, 2880. Barry J. Hasson, R.IV, 2881. Wayne H. Hoecker, R.IV, 2895. Raymond E. Wilson, R.IV, 2905. Jerome Chicvara, R.IV, 2909. C. F. Dinley, R.IV, 2913. Paul E. Lenois, R.IV, 2954. Max Bachman, R.IV, 2928. Edward B. Berndt, R.IV, 2937.

¹⁴ Eleanor J. Poyer, R.IV, 2827. W. Crofton, R.IV, 2831. John P. McCarthy, R.IV, 2833. John J. Kligas, R.IV, 2842. Mrs. Jepsen, R.IV, 2843. John W. Nelson, R.IV, 2857.

¹⁵ Charles E. West, R.IV, 2829. Ken Stamper, R.IV, 2830. Arthur Amling, R.IV, 2839. Joe Vida, R.IV, 2864.

¹⁶ Ralph E. Weiler, R.IV, 2962. Charles E. West, R.IV, 2829. Ken Stamper, R.IV, 2830. G. Ernest Caldwell, R.IV, 2845. Paul D. Bosco, R.IV, 2847. Richard B. Stockton, R.IV, 2862. Jack Long, R.IV, 2866. John G. Jones, R.IV, 2869. Walter Hellpap, R.IV, 2948. Eugenia R. Loveland, R.IV, 2950. Nick F. Salaki, R.IV, 2964. Name and Address Obliterated, R.IV, 2976.

¹⁷ Leon C. Kezarjian, R.IV, 2878. Raymond E. Wilson, R.IV, 2905. Barbara R. WeDyck, R.IV, 2906. Jack B. Howard, R.IV, 2907. Frank Kalebich, R.IV,

Finally, the gasoline service station owners complain of zone pricing problems and unprofitable profit margins,¹⁸ while the owners of fast food restaurants and retail stores cite contract clauses requiring the franchisee to purchase all of his supplies from the franchisor or an affiliate (usually at higher prices) as one of their complaints.¹⁹

Appendix A—Distributorships

- Burch B. Stewart, R.VI, 181.
- James Emmett Key, R.VI, 192.
- Raymond M. Stubbard, R.VI, 238.
- Yong H. Kim, R.VI, 244.
- Tony G. Short, R.VI, 268.
- Nicholas J. Urhausen, R.VI, 270.
- James Castoe, R.VI, 295.
- Claire A. Beglen, R.VI, 520.
- Carol E. Teplick, R.VI, 462.
- James H. McFarland, R.VI, 476.
- Dibrell L. Duvall, R.VI, 564.
- John R. Williams, R.VI, 573.
- Elizabeth M. Lord, R.VI, 576.
- Frank Matanzo, R.VI, 578.
- Virginia James, R.VI, 647.
- John I. Middaugh, R.VI, 689.
- Howard F. Weaver, R.VI, 704.
- Frederick Therrier, R.VI, 707.
- Henry Fillet, R.VI, 730.
- Jane Thieling, R.VI, 736.
- Richard C. Siewert, R.VI, 740.
- Richard J. Kolb, R.VI, 783.
- William Procko, Jr., R.VI, 790.
- J. S. Newman, R.VI, 824.
- Harold Aeschliman, R.VI, 858.
- Stan Mullenix, R.VI, 900.
- Paul G. Agnott, R.VI, 910.
- Francis J. Rogers, R.VI, 1065.
- Aldona Wilson, R.VI, 1093.
- Vernon Deavers, R.VI, 1204.
- Nancy Rosen, R.VI, 2693.
- Leonard E. James, R.VI, 1220.
- Victor C. Canter, R.VI, 1259.
- Kenneth Holbrook, R.VI, 1267.
- Arthur N. Phelps, R.VI, 1272.
- Margie McCormick, R.VI, 1279.
- Dolores Drumwright, R.VI, 1289.
- Stanley Tinkham, R.VI, 1295.
- Marjorie C. B. Johnson, R.VI, 1299.
- John C. Danforth, Attorney General, State of Missouri, R.VI, 1324.
- Gwen Speak, Jr., R.VI, 1338.
- Stephen M. Hall, R.VI, 1393.
- Jerry Savage, R.VI, 1399.
- Samuel L. Young, R.VI, 1426.
- John P. Moore, Attorney General, State of Colorado, R.VI, 1431.
- John D. Vance, R.VI, 1451.
- Samuel Reyes, R.VI, 1453.
- Seymour H. Bucholz, R.VI, 1506.
- Mary Clayton, R.VI, 1606.
- Champ A. Smith, Jr., R.VI, 1614.
- Nance Severenson, R.VI, 1688.
- Kit Conchee, R.VI, 1691.
- Don Boingesser, R.VI, 1829.
- Benjamin L. Kaplan, R.VI, 1862.
- Winthrop Vail, R.VI, 1864.

2908. Paul Whitley, R.IV, 2910. John Jul, R.IV, 2911. Margaret Younger, R.IV, 2916. George Kirksey, R.IV, 2917. Dick Sullivan, R.IV, 2919. Edward R. Gilda, R.IV, 2920. Wynne A. Stevens, R.IV, 2922. George Clark, R.IV, 2926.

¹⁸ Murray D. Cohen, R.IV, 2909-B. Fred E. Tabor, R.IV, 2810.

¹⁹ Arthur Amling, R.IV, 2839. Richard McClaren, IV, 2850.

*Footnotes for this section refer only to alleged abuses contained in complaints received during the first period for comment. Summary sheets (sample attached) for the complaints filed during the most recent period are being prepared now and should be completed within a week. My review of these complaints indicates that the abuses alleged in the first set of complaints are typical of the abuses alleged in the second set.

56. Thomas L. Gensman, R.VI, 1885.
57. State of Minnesota, Commissioner of Securities, R.VI, 2020.
58. Toma's Botas, R.VI, 2052.
59. W. O. Chamberlain, Jr., R.VI, 2053.
60. Albert Neil Cozens, R.VI, 2154.
61. Harold B. Weiland, R.VI, 2159.
62. Vern Schroeder, R.VI, 2170.
63. Frank A. McGinnis, R.VI, 2183.
64. Allen Vevang, R.VI, 2206.
65. Earl M. Long, R.VI, 2225.
66. Jerrold L. Mattison, R.VI, 2246.
67. Joseph W. Boatwright, R.VI, 2248.
68. Thomas R. Silva, R.VI, 2259.
69. Robert Hansell, R.VI, 2271.
70. Albert A. Petrusis, R.VI, 2277.
71. Fred Herman, R.VI, 2351.
72. Elizabeth Crow, R.VI, 2434.
73. Robert Phillips, R.VI, 2438.
74. Clarence F. Dinley, R.VI, 2448.
75. Alva D. Herron, R.VI, 2518.
76. Betty Schroeder, R.VI, 2523.
77. Conrad Z. Perrevas & Partners, R.VI, 2528.
78. Warren E. Witner, R.VI, 2563.
79. Donald E. Hoffman, R.VI, 2569.
80. Allen W. Clark, Jr., R.VI, 2519.
81. James E. Ensign, R.VI, 2696.
82. Dianna Kokoszka, R.VI, 2716.
83. Pat Talerico, R.VI, 1000.
84. Robert C. Schaechtel, R.VI, 1011.

Mr. George C. Nield, President, Automobile Importers of America, 1735 Jefferson Davis Hwy., Suite 1002, Arlington, Virginia 22202.

Dear Mr. Nield: This is to confirm that, on March 28, 1979, the executive committee of AIADA, the elected group of dealers responsible for establishing policy, voted unanimously to support the position of the Automobile Importers of America concerning exemption from the Federal Trade Commission trade regulation rule entitled, "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures."

AIADA is a trade association representing the American businesses that sell and service imported automobiles. It is the largest association in the United States devoted solely to imported automobile dealers. Our membership represents a majority of the existing franchises in the industry and includes representatives of all major imported makes sold in the United States.

AIADA believes it would serve no reasonable purpose for automobile importers and distributors of foreign automobiles to be included within the scope of the rule and supports the position that they should be excluded. Franchise litigation in the automobile area has generally arisen at the time of termination of the franchise, not at the inception, and the disclosure rule would not meaningfully aid the seeker of an automobile franchise in evaluating the venture. This is particularly true with respect to imported automobiles where the established manufacturer in a foreign country comes into this country to market an established product.

A franchise in the automobile industry has generally been granted without payment, therefore, and has been a coveted contract for which the investor dealer has been willing to make the substantial investment in facilities. The person to be tendered the

franchise is required to be one experienced in the field and the automobile dealer franchise is a fairly standard document among existing manufacturers and has been developed with input from existing dealer franchisees.

The FTC franchise disclosure rule would not expand, in any meaningful way, the rights already existing for automobile dealers in other federal and state statutes. Accordingly, AIADA officers have voted unanimously that disclosure requirements of the rule are unnecessary as regards the relationship between the member companies of AIADA and AIA, and between our member companies and those importer companies not members of AIA (Volkswagen of America and Mercedes-Benz of North America).

Under these circumstances, it would appear both reasonable and proper for the FTC to grant your request for a stay of the effective date of the rule and I hope your application is granted.

Sincerely,

Robert M. McElwaine,
President.

[TRR 215-34]

Petition for Exemption of American Motors Corporation

In the Matter of Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures.

Pursuant to 15 U.S.C. 57a(g)(1), American Motors Corporation petitions the Federal Trade Commission for an exemption from its Trade Regulation Rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" ("Franchise Rule"), 16 CFR Part 436, as it purports to apply to the motor vehicle businesses of American Motors and its subsidiaries.

The ground for exempting American Motors from the Franchise Rule is that the application of the Franchise Rule to American Motors is not necessary to prevent the unfair or deceptive acts or practices which the Franchise Rule is intended to prevent. Thus, the substantial administrative burden which the Franchise Rule would place upon American Motors is not justified by any benefit to the public from applying the Rule to American Motors.

During the rule making proceeding which the Commission conducted prior to promulgating the Franchise Rule, the Commission compiled a 30,000-page Public Record of comments concerning the Franchise Rule. Not one comment was received which would indicate that abuses in the sale of franchises occur with respect to American Motors' business or with respect to the motor vehicle industry generally or even with respect to any industry which conducts its distribution and marketing in a similar manner to American Motors. To

the contrary, several motor vehicle manufacturers submitted comments on the proposed rule which were never contradicted, and which stated a number of reasons why the Rule was unnecessary with respect to the motor vehicle industry.

In short, the rule making record contains no support for applying the rule to American Motors and contains considerable support for exempting American Motors.

When the Commission promulgated the Franchise Rule in 1978, it also issued a Statement of Basis and Purpose which stated the purpose of the Rule, viz.: To prevent fraud or deceptive practices from occurring in the marketing of franchises. In the Statement of Basis and Purpose the Commission identified three characteristics in the marketing of franchises which create a potential for unfair and deceptive practices: (1) Franchisors use the sale of franchises to raise low-cost capital; (2) the typical potential franchisee is unsophisticated with little or no prior business experience; and (3) franchise salesmen employ hard-sell sales tactics to collect a quick franchise fee prior to disclosing important information concerning the franchise.

The first characteristic focuses upon the incentive of the franchisor to make the sale of a franchise even if the sale is not in the franchisee's best interest. When the franchisor looks upon the collection of franchise fees as an important source of capital for its own business, this incentive may well be present. As the Commission stated:

[I]t is the promise of low-cost capital that attracts (franchisors) and gives rise to problems in the offering and sale of franchises. (43 FR 59703)

As the Commission observed later in the Statement of Basis and Purpose:

[F]ranchising is not only a method of distribution, it is also a source of low-cost capital to be used for a rapid development of a distribution network. This arrangement contrasts sharply with that of the conventional producer-distributor/dealer relationship in which the producer must generate capital from profits or obtain it from conventional sources.

* * * * *

As clearly demonstrated by the record * * * many franchisors, anxious to obtain the franchisee's capital, find it in their interest to misrepresent or not fully disclose material information needed by the prospective franchisee. (43 FR 59698-99)

This characteristic of franchising which leads to potential unfair and deceptive practices is wholly absent from American Motors' method of doing business with its dealers. A new American Motors dealer makes an

investment of approximately \$250,000 (and in some cases as much as \$1 million) in his business for such items as real estate, business premises, equipment, inventory and working capital. American Motors charges no franchise fee. The amount of money which a new dealer must pay American Motors for any goods or services other than inventory is typically not more than \$3,500. Clearly, the sale by American Motors of a new sign and of showroom marketing materials (which comprises the bulk of the goods other than inventory which a new dealer must purchase from American Motors) does not constitute a source of low-cost capital to American Motors. This amount of money is clearly *de minimis* both in relation to the dealer's total investment in the dealership and in relation to American Motors' own capital requirements. When American Motors needs capital, it issues securities, borrows money on the capital market, sells more vehicles, or raises the price of its products. Selling dealerships is simply not a viable means of raising capital for American Motors. Accordingly, American Motors has no incentive to engage in deceptive practices with its new dealers in order to raise low-cost capital.

The second characteristic of franchising which the Commission found to create the potential for abuse and deceptive practices in the marketing of franchises is the fact that in the industries studied by the Commission, the typical franchisee is relatively unsophisticated and inexperienced in business. The Commission quotes from a Government study placed in the Public Record:

The franchise industry * * * has been plagued by numerous cases of abuses and misrepresentations aimed at unsophisticated franchisees. Widespread instances have been documented involving such malpractices as high pressure franchise sales tactics, unscrupulous and inexperienced franchisors, financially unstable franchisors, hidden fee requirements and kick-backs, failure to provide information on services and training to be furnished to the franchisee, and use of coercive methods to get quick large deposits. (43 FR 59625)

The Commission then presents its own conclusions in the Statement of Basis and Purpose that the potential for abuse is caused by the low level of business sophistication among prospective franchisees:

The impact of this "informational imbalance" is particularly acute in franchising where many prospective franchisees possess a low level of business sophistication. The relative lack of business sophistication is demonstrated by numerous

materials and comments on the public record. For example, in *The Economic Effects of Franchising*—a detailed study of "fast food" franchising undertaken by Professors Ozanne and Hunt—it was reported that " * * * 68 percent of our sample of franchisees did not own a business prior to their franchised business and half the franchisees had incomes below \$10,000 prior to buying their franchise." This relative lack of business experience and low capitalization is quite striking in light of the nature of franchising—a " * * * highly complex, dynamic and changing area, with varied sophisticated business, financial and legal techniques and complications."

Given the complex nature of most franchising operations, it is somewhat surprising that a group of relatively "unsophisticated" persons enters a field which requires such a significant degree of business acumen. One of the reasons accounting for the involvement of such persons in franchising is the "get rich quick" claims utilized by many franchisors in advertisements and other promotional materials. As indicated by numerous franchisee complaints, such claims often induce a person who has had little or no formal business training into believing that he or she may earn a great deal of money with little effort and in spite of a lack of experience. As further illustrated by such complaints and related public record materials, such "get rich quick" claims frequently either are unsubstantiated by the franchisor, or they misrepresent material facts with regard to the "potential earnings" of a particular franchise business. The credibility of such claims is often compounded by headline stories in the press as to those franchisees who were able to obtain great personal wealth from the operation of a franchise outlet. As noted by Professor Hunt:

"The numerous 'rags to riches' stories in the popular press about franchising in many cases have presold franchisees that owning a franchise is the key to success."

In this regard, the susceptible nature of prospective franchisees to such claims of "instant success" creates the potential for serious economic injury as a result of concealment or misrepresentation of the materials terms of the franchise business under consideration. (43 FR 59625-26)

In contrast to these findings, American Motors does not seek unsophisticated persons with no business experience to become American Motors dealers. As a prerequisite to becoming an American Motors dealer, a person must have both substantial prior experience in the motor vehicle business or a similar business and access to large amounts of capital for his own use. In fact, American Motors cannot afford to establish dealerships operated by unsophisticated persons with little previous business experience. Most purchasers of new motor vehicles view their purchase as the beginning of an informal relationship with the dealer, involving the servicing

of their automobiles and perhaps future trade-ins and purchases. If the dealer is unable to operate properly the complex business constituting the dealership, the owners become dissatisfied, and American Motors' reputation and market share are damaged.

The third characteristic which the Commission identified in its Statement of Basis and Purpose as creating the potential for deceptive and unfair practices is the hard-sell tactics of franchisors which push a franchisee to purchase a franchise without adequate investigation and reflection. These selling methods which create the potential for abuse are described by the Commission as follows:

Since many individuals seeking opportunities as franchisees are not familiar with franchising operations, it has become common practice for franchisors to use a complete range of promotional and selling techniques to reach such persons. Newspapers, magazines, and direct mailings are used to attract the attention of prospective franchisees. In both advertising and promotional literature, franchisors often stress that a prospective franchisee needs no prior business experience. Those answering such advertisements are often sent a "franchise kit" containing material which emphasizes the advantages of the particular franchise. This promotional material may be followed by a call from a salesperson, who makes a presentation and attempts to convince the "prospective franchisee" to sign a contract. Another approach to franchise recruitment is the business opportunity trade show. These shows have been regularly held in many cities.

In addition to advertising and franchise shows, some franchisors employ franchise brokers to recruit new franchisees into the system. (43 FR 59623)

Finally, many prospective franchisees are not given an adequate opportunity to review these complex (franchise) agreements as the result of false sales pitches or high pressure tactics. The information provided to prospective franchisees by operation of the rule should present a much clearer picture of the material factors involved in a decision whether to enter into a franchise relationship, and should therefore dissuade prospective franchisees from "signing in the enthusiasm of the moment and repenting at leisure." That such a decision merits long and serious consideration is readily apparent from the franchisee complaints on the record of the present proceeding, as discussed *infra*. (43 FR 59627)

In contrast to these findings, American Motors does not market dealerships. American Motors does not employ franchise brokers, nor do there exist high-pressure, hard-sell efforts to obtain a person's signature on a dealer agreement in the motor vehicle industry. American Motors is not interested in establishing any new dealerships unless a prospective dealer has the demonstrated ability and prior business

experience that will make him successful.

In addition to the business sophistication of a typical American Motors dealer, the magnitude of the capital investment required for a new dealer to commence operation necessarily causes a great deal of information disclosure and exchange to occur. Since each new dealer must necessarily be backed by hundreds of thousands of dollars in capital, the transactions involved in establishing a new dealership will necessarily be reviewed by the dealer's own bankers and lawyers as well as by American Motors. These deals are not done in an evening over a kitchen table; they are negotiated over an extended period of time with the assistance of professional financial and legal advisors.

In summary, the three characteristics of franchising which lead to abuses and deceptive practices are entirely absent from American Motors' method of doing business and there is no likelihood whatever that any such practices would arise in the context of establishing dealerships to sell motor vehicles in view of the sophistication of the dealers and the large amounts of capital necessary to establish a dealership. All the parties to the transaction operate at an advanced level of sophistication, and with the assistance of professional legal and financial advisors over an extended period of negotiations, there is simply no potential for situations to develop in which a potential American Motors dealer would need a disclosure document such as required by the Franchise Rule in order to ensure that he has enough information to make his investment decision. Furthermore, there is no incentive for American Motors to engage in deceptive practices with respect to new American Motors dealers. The amount of money which American Motors collects from new dealers which could be classified as a "required payment" under the Franchise Rule and the Commission's interpretation of the Rule is *de minimis* both in relation to the dealer's total investment in a new dealership and in relation to American Motors' own capital requirements.

The burden of complying with the Franchise Rule is substantial both in financial terms and manpower terms. For example, American Motors estimates that in order to gather the information and compile the data necessary to meet the disclosure requirements of the Franchise Rule, American Motors would have to create a new administrative department which

would be staffed with a total of eight new employees. American Motors would also have to create new administrative procedures and develop and implement training programs for field personnel. The creation of a new bureaucracy within American Motors dedicated to complying with the Franchise Rule is simply not justified by any need for implementing the Rule as to American Motors. All of the information provided in the required disclosure documents which a prospective new dealer would need to make an investment decision are already obtained by prospective new dealers in the course of negotiations leading up to the establishment of new dealerships.

For these reasons, American Motors respectfully requests that the Commission institute an exemption proceeding pursuant to 15 U.S.C. 57a(g), and that at the conclusion of such proceeding, the Commission issue an order exempting American Motors Corporation and its subsidiaries from the requirements of the Franchise Rule. In filing this Petition American Motors does not intend to waive, and expressly reserves, its right to contest the validity of the Franchise Rule or to claim that the Franchise Rule is inapplicable to it or to the industries in which it is engaged.

Respectfully submitted,

Richard W. Pogue,

Robert H. Rawson, Jr.,

Robert C. Kahrl,

Jones, Day, Reavis & Pogue,

Of Counsel:

Kenneth I. Gluckman,

American Motors Corporation, 27777 Franklin Road, Southfield, Michigan 48034.

March 20, 1980.

[FR Doc. 80-11435 Filed 4-17-80; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 436

Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

AGENCY: Federal Trade Commission.

ACTION: Invitation to comment on requested exemption from trade regulation rule.

SUMMARY: The Commission is requesting public comment with respect to a request of several petroleum companies for an exemption from the requirements of the Franchise Rule.

DATE: Written comments will be accepted until May 19, 1980.

ADDRESS: Comments may be filed in person or mailed to: Secretary, Federal

Trade Commission, 6th & Pennsylvania Ave. NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: John M. Tifford, PM-H-272, Federal Trade Commission, 6th & Pennsylvania Ave., N.W., Washington, D.C. 20580. (202) 523-3814.

SUPPLEMENTARY INFORMATION: On December 21, 1978, the Federal Trade Commission promulgated a trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures." In general, the rule provides for pre-sale disclosure to prospective franchisees of important information about the franchisor, the franchise business and the terms of the proposed franchise relationship. A summary of the rule appears as *Appendix A* below.

Section 18(g) of the Federal Trade Commission Act provides that any person or class of persons covered by a trade regulation rule may petition the Commission for an exemption from such rule, and if the Commission finds that the application of such rule to any person or class of persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates, the Commission may exempt such person or class from all or any part of the rule.

On October 9, 1979, a petition for exemption pursuant to section 18(g) was filed by Shell Oil Company, Atlantic Richfield Company, Exxon Corporation, Mobil Corporation, Union Oil Company of California, Standard Oil Company (Indiana), Getty Refining & Marketing Company, Gulf Oil Corporation, Kerr-McGee Refining Corporation, Standard Oil Company of California, Chevron U.S.A. Inc., Chevron Chemical Company, Phillips Petroleum Company, Crown Central Petroleum Corporation, and Ashland Petroleum Company. On October 12, 1979, Standard Oil Company moved to join the petition for exemption. On October 17, 1979, the National Oil Jobbers Council and the Texas Oil Marketers joined the petition for exemption. On October 29, 1979, the Illinois Petroleum Marketers joined the petition for exemption. On January 29, 1980, the original petitioners joined by Standard Oil Company filed a supplement to the petition for exemption. On March 20, 1980, Sinclair Marketing, Inc. petitioned for exemption. Each petition is reproduced in full in *Appendix B* below.

Briefly stated, petitioners allege that an exemption should be granted because: (1) The Petroleum Marketing Practices Act, 15 U.S.C. 2801 *et seq.* (1978), fully compensates and corrects

any informational and other imbalances between gasoline dealers and their suppliers by regulating termination and nonrenewal of dealerships and disclosure of rights of dealers with short term franchise arrangements; (2) Department of Energy regulations and information gathering activities have together alleviated many of the concerns addressed by the franchise rule; (3) 32 states have dealer day-in-court laws, 22 adopted after mid-1974; 26 laws apply exclusively to petroleum franchises; (4) 14 state laws require disclosure, prior to "consummation" of an agreement entered into by a dealership, of "certain information which is of particular relevance to the petroleum franchise relationship".

Petitioners further urge that they should not be considered to be "franchisors" because they do not exact a "required payment" from their franchisees, one of the three essential elements of the definition of franchise; they argue that payments for rent, previously determined by a staff advisory opinion to be required payments, are actually optional payments and should not bring the petitioners within the rule's definition of franchise. For a complete presentation of the arguments submitted by petitioners, please refer to the full text of the petitions set forth as *Appendix B*.

In assessing the present exemption request, four fundamental issues also should be considered. These concern (1) whether, and to what extent, the petitioning person or class has engaged in unfair or deceptive acts or practices the occurrence of which is the subject of the rule, (2) if there is little or no evidence of abuses, whether there are significant structural or operational differences between the petitioning group and other persons covered by the rule that may account for that fact, (3) if, regardless of whether the petitioning party seeks an exemption for itself only or, alternatively, for all members of an industry, whether a factual showing has been made pertaining to all members of an industry and not merely to the petitioner, such that treatment as a "class" is appropriate. In other words, are there distinguishing characteristics associated with the petitioning person or a class that explain the absence of significant past abuses (if such is the case) and make it unlikely that such person or class will engage in the future in the acts or practices to which the rule is addressed and (4) if appropriate, whether an exemption should be limited to the petitioners or made applicable to a class, and if the latter, the proper definition of the class sharing the

characteristics that make applicability of the rule unnecessary.

The Commission has analyzed the arguments made by petitioners and concluded that further inquiry is warranted before a determination regarding the petitions can be made. The Commission, therefore, seeks comment regarding the exemption requested by petitioners.

All persons are hereby notified that they may submit written data, views or argument on any issues of fact, law or policy that may have some bearing on the requested exemption, without regard to whether or not such issues have been raised by the petitions or in this notice. Such submissions may be made for thirty days to the Secretary of the Commission.

Written comments will be accepted until May 19, 1980. Comments may be filed in person or mailed to: Secretary, Federal Trade Commission, 6th and Pennsylvania Ave., N.W., Washington, DC 20580.

Comments should be identified as "Petroleum Industry Franchise Rule Exemption Comment" and, if possible, submitted in five copies.

By direction of the Commission.
Carol M. Thomas,
Secretary.

Appendix A—Franchise Rule Summary

The Franchise Rule, which is formally titled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures," [16 CFR Part 436.] has been promulgated in response to widespread evidence of deceptive and unfair practices in connection with the sale of the types of businesses covered by the Rule. These practices often are able to exist because prospective franchisees lack a ready means of obtaining essential and reliable information about the business in which they are asked to invest their money and, frequently, their labor. This lack of information reduces the ability of prospective franchisees either to make an informed investment decision or otherwise verify the representations of the business' salespersons.

The Rule attempts to deal with these problems by requiring franchisors and franchise brokers to furnish prospective franchisees with information about the franchisor, the franchise business and the terms of the franchise agreement. Franchisors and franchise brokers must furnish additional information if they have made any claim about actual or potential earnings, either to the prospective franchisee or in the media. All disclosures must be made (i) before any sale is consummated and (ii) by

means of disclosure documents whose form and content are set forth in the Rule.

The Rule requires disclosure of material facts. It does not regulate the substantive terms of the franchisor-franchisee relationship. It does not require registration of the offering or the filing of any documents with the Federal Trade Commission in connection with the sale of franchises.

A. Businesses Covered by the Rule [§ 436.2(a)]

Either of two types of continuing commercial relationships are defined as a "franchise" and covered by the Rule.

The first type involves three characteristics: (1) the franchisee sells goods or services which meet the franchisor's quality standards (in cases where the franchisee operates under the franchisor's trade mark, service mark, trade name, advertising or other commercial symbol designating the franchisor ("mark")) or which are identified by the franchisor's mark; (2) the franchisor exercises significant control over, or gives the franchisee significant assistance in, the franchisee's method of operation; and (3) the franchisee is required to make a payment of \$500 or more to the franchisor or a person affiliated with the franchisor within six months after the business opens.

The second type also involves three characteristics: (1) the franchisee sells goods or services which are supplied by the franchisor or a person affiliated with the franchisor; (2) the franchisor secures accounts for the franchisee, or secures locations or sites for vending machines or rack displays, or provides the services of a person able to do either; and (3) the franchisee is required to make a payment of \$500 or more to the franchisor or a person affiliated with the franchisor within six months after the business opens.

Relationships covered by the Rule include those which are within the definition of "franchise" and those which are represented as being within the definition when the relationship is entered into, regardless of whether, in fact, they are within the definition.

The Rule exempts (1) fractional franchises; (2) leased department arrangements; and (3) purely verbal agreements. The Rule excludes (1) relationships between employer/employees, and among general business partners; (2) membership in retailer-owned cooperatives; (3) certification and testing services; and (4) single trademark licenses.

B. The Disclosure Document [§ 436.1(a)]

All franchisors must furnish the document described in this section. The disclosure document requires information on the following 20 subjects:

1. Identifying information about the franchisor.
2. Business experience of the franchisor's directors and key executives.
3. The franchisor's business experience.
4. Litigation history of the franchisor and its directors and key executives.
5. Bankruptcy history of the franchisor and its directors and key executives.
6. Description of the franchise.
7. Money required to be paid by the franchisee to obtain or commence the franchise operation.
8. Continuing expenses to the franchisee in operating the franchise business that are payable in whole or in parts to the franchisor.
9. A list of persons who are either the franchisor or any of its affiliates, with whom the franchisee is required or advised to do business.
10. Realty, personality, services, etc. which the franchisee is required to purchase, lease or rent, and a list of any persons from whom such transactions must be made.
11. Description of consideration paid (such as royalties, commissions, etc.) by third parties to the franchisor or any of its affiliates as a result of a franchisee's purchase from such third parties.
12. Description of any franchisor assistance in financing the purchase of a franchise.
13. Restrictions placed on a franchisee's conduct of its business.
14. Required personal participation by the franchisee.
15. Termination, cancellation and renewal of the franchise.
16. Statistical information about the number of franchises and their rate of terminations.
17. Franchisor's right to select or approve a site for franchisee.
18. Training programs for the franchisee.
19. Celebrity involvement with the franchise.
20. Financial information about the franchisor.

The disclosures must be made in a single document, with a cover sheet setting forth the name of the franchisor, the date of issuance of the document, and a statement—whose text is set forth in the Rule—advising the prospective franchisee of the contents and purpose of the document. The document may not include information other than that required by the Rule or by State law not

preempted by the Rule. However, the franchisor may furnish other information to the prospective franchisee which is not inconsistent with the material set forth in the disclosure document.

The disclosure document must be given to a prospective franchisee at the earlier of either (1) the prospective franchisee's first personal meeting with franchisor, or (2) ten days prior to the execution of a contract or payment of consideration relating to the franchise relationship. At that time, the franchisor or franchise broker must give the prospective franchisee copies of the franchisor's standard franchise agreement.

The information in the disclosure document must be current as of the completion of the franchisor's most recent fiscal year. In addition, a revision of the document must be prepared quarterly whenever there has been a material change relating to the franchise business of the franchisor.

C. Earnings Claims [§ 436.1(b)-(e)]

The Rule prohibits earnings representations about the actual or potential sales, income, or profits of existing or prospective franchisees unless (i) reasonable proof exists to support the accuracy of the claim, (ii) the franchisor has in its possession, at the time the claim is made, information sufficient to substantiate the accuracy of the claim, (iii) the claim is geographically relevant to the prospective franchisee's proposed location (except for media claims) and (iv) an earnings claim disclosure document is given. The earnings claim document must contain six items:

1. A cover sheet in the form specified in the rule.
2. The earnings claim.
3. A statement of the bases and assumptions upon which the earnings claim is made.
4. Information concerning the number and percentage of outlets that have earned at least the amount set forth in the claim, or a statement of lack of experience, as well as the beginning and ending dates of the time period covered by the claim.
5. A mandatory caution statement, whose text is set forth in the rule, concerning the likelihood of duplicating the earnings claim.
6. A statement that information sufficient to substantiate the accuracy of the claim is available for inspection by the franchisee (except for media claims).

Prospective franchisees must be notified of any material changes in the information contained in the earnings claim document prior to becoming a franchisee.

D. Acts or Practices Which Violate the Rule

It is an unfair or deceptive act or practice within the meaning of § 5 of the Federal Trade Commission Act for any franchisor or franchise broker:

1. to fail to furnish prospective franchisees, within time frames established by the Rule, with a disclosure document containing information on 20 different subjects relating to the franchisor, the franchise business and the terms of the franchise agreement [§ 436.1(a)];
2. to make any representations about the actual or potential sales, income, or profits of existing or prospective franchisees except in the manner set forth in the Rule [§ 436.1(b)-(e)];
3. to make any claim or representation (such as in advertising or oral statements by salespersons) which is inconsistent with the information required to be disclosed by the Rule [§ 436.1(f)];
4. to fail to furnish prospective franchisees, within the time frames established by the Rule, with copies of the franchisor's standard forms of franchise agreements and copies of the final agreements to be signed by the parties [§ 436.1(g)]; and
5. to fail to return to prospective franchisees any funds or deposits (such as down-payments) identified as refundable in the disclosure document [§ 436.1(h)].

Violators are subject to civil penalty actions brought by the Commission of up to \$10,000 per violation.

The Commission believes that the courts should and will hold that any person injured by a violation of the Rule has a private right of action against the violator, under the Federal Trade Commission Act, as amended, and the Rule. The existence of such a right is necessary to protect the members of the class for whose benefit the statute was enacted and the Rule is being promulgated, is consistent with the legislative intent of the Congress in enacting the Federal Trade Commission Act, as amended, and is necessary to the enforcement scheme established by the Congress in that Act and to the Commission's own enforcement efforts.

E. State Franchise Laws

The Commission's goals are to create a minimum Federal standard of disclosure applicable to all franchisor offerings, and to permit States to provide additional protection as they see fit. Thus, while the Federal Trade Commission Trade Regulation Rules have the force and effect of Federal law and, like other Federal substantive

regulations, preempt State and local laws to the extent that these laws conflict, the Commission has determined that the Rule will not preempt State or local laws and regulations which either are consistent with the Rule or, even if inconsistent, which would provide protection to prospective franchisees equal to or greater than that imposed by the Rule.

Examples of State laws or regulations which would not be preempted by the Rule include State provisions requiring the registration of franchisors and franchise salesmen, State requirements for escrow or bonding arrangements and State required disclosure obligations exceeding the disclosure obligations set forth in the Rule. Moreover, the Rule does not affect State laws or regulations which substantively regulate the franchisor/franchisee relationship, such as termination practices, contract provisions and financing arrangements.

F. The Uniform Franchise Offering Circular

The Uniform Franchise Offering Circular ("UFOC") now is accepted in satisfaction of the disclosure requirements in 14 States which have franchise registration and disclosure laws. The UFOC format is not identical to the disclosure format prescribed in the Rule. For example, there are minor differences in language on similar disclosure requirements; there are subjects about which the UFOC requires more disclosure than the Rules, and subjects where the Rule requires more disclosure than the UFOC. Even though the two documents are not identical in language, they are quite similar; in any event, both documents are designed to achieve the same result regardless of any minor variations in the means used to reach that result. Accordingly, the Commission will permit franchisors to use the UFOC format in lieu of the disclosure document provided by the Rule. This alternative use is limited to the UFOC version adopted by the Midwest Securities Commissioners Association, Inc., on September 2, 1975 plus any modifications thereof which do not diminish the protection accorded to the prospective franchisee which may be made by a State in which such registration has been made effective.

Certain provisions of the Rule still will control even if the UFOC format is used in lieu of the Rule's disclosure document, such as: (i) the persons required to make disclosure; (ii) transactions requiring disclosure; (iii) the timing of the disclosure; and (iv) the types of documents to be given to prospective franchisees.

The Commission's decision to permit use of a State disclosure document in lieu of its own document does not constitute Commission deferral to State law enforcement. The Commission is expressly providing for concurrent jurisdiction between the Commission and the States in appropriate instances. The Commission's action does not and is not intended to deprive the Commission of its responsibility to determine whether particular franchisors have complied with the Rule.

Appendix B—United States of America Before the Federal Trade Commission

[T.R.R. No. 215-34]

In Re: FTC Franchise Disclosure Rule Review

Petroleum Companies' Application for an Exemption From the Franchise Disclosure Rule

Pursuant to 15 U.S.C. 57a(g)(1), the undersigned petroleum companies hereby petition the Federal Trade Commission ("Commission") for an exemption from the Franchise Rule scheduled to become effective October 21, 1979, as it applies to the petroleum industry.

Section 18(g)(1) of the Magnuson-Moss Amendments to the Federal Trade Commission Act provides that "[a]ny person to whom a rule * * * applies may petition the Commission for an exemption from the rule." 15 U.S.C. § 57a(g)(1). Section 18(g)(1) of that statute provides that if the Commission "finds that the application of a rule * * * to any person or class of persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates, the Commission may exempt such person or class from all or part of such rule." 15 U.S.C. 57a(g)(2).

On December 21, 1978, the Federal Trade Commission promulgated the Franchise Rule. The Rule, scheduled to become effective on October 21, 1979, has two basic elements. It requires franchisors to make numerous specified disclosures of information to prospect franchisees (Section 436.1(a)) and it imposes limitations on certain types of representations, particularly earnings claims (Section 436.1(b)-(e)).

The administrative record which provides the basis and support for the Franchise Rule was closed in December 1974. Moreover, the principal oral and documentary support for the Rule was collected in late 1971 and early 1972. There have been vast changes in the petroleum industry since the rule-making record was closed as a result of state and federal legislation and increased federal regulatory activity.

Petitioners here do not seek to reopen the 1971-74 administrative record. Indeed, they would object to reopening the administrative record in any manner that might open the record to the receipt of evidence relating to the underlying need (or lack thereof) for the Rule since the adequacy of that record is now before the Ninth Circuit Court of Appeals. *In Re Franchise Disclosure Rule*, No. 78-3680, *et al.* Instead Petitioners believe and contend that the advent of new legislation and regulation, subsequent to the closing of the administrative record, has fully and completely addressed whatever need there may have previously existed during 1971-74 for a disclosure statement in the petroleum industry.

Without conceding the validity or correctness of the staff conclusions or analysis, Petitioners note that the staff has recently stated that at least one oil company's operations are covered by the Rule, Sinclair Marketing, Inc.:

We conclude that the rule is applicable to the relationship described in the request between Sinclair and those of its service station dealers who enter into the "Station Lease" (or one similar to it) * * *

Staff advisory opinion to William J. Mutryn, dated October 1, 1979 at p. 1. One of the lynchpins to this conclusion was the existence of lease agreements co-extensive with supply agreements. The staff interpreted rent payments under these leases as "required payments" within the meaning of the Rule. A significant factor which influenced the staff's thinking is the perception that a dealer has very little flexibility or choice "to obtain an alternative location as a practical matter." (*Id.* at 4.) The staff observed that:

—the present gasoline shortage and the gasoline allocation system designed the alleviate that problem may themselves create a significant impediment to the ability of nearly all proposed dealers to establish an alternative location with an assured source of supply. Finally we note that the existence of zoning regulations or other restrictions limiting site availability, especially in well-developed major urban markets, may add to the other difficulties experienced by a dealer seeking alternatives to leasing from an existing oil marketer.

The influence of federal, state and local laws and regulations upon petroleum marketing is pervasive. Indeed, since the rulemaking record was closed in December 1974, there have been vast changes in the industry, including the initiation of comprehensive state, local and federal regulations. These laws and regulations today affecting all phases of petroleum

marketing more completely than the Franchise Rule ever could.

The Franchise Rule, which was premised upon pre-1975 facts, is actually counter-productive in that it requires additional, unneeded disclosures where the rights of new dealers are already fully protected by new Federal statutes. The Department of Energy ("DOE") has promulgated regulations which are at least tailored to the petroleum industry, whereas the Commission's Rule only incidentally includes gasoline marketing within its purview. The result of the Franchise Rule is the addition of new, costly Federal regulation in an industry which has recently been characterized as one of the most highly regulated industries in the country.¹ The ultimate consumer must pay for this regulation and the result is additional costs.

The same Federal statutes, which the Commission staff sees as limiting dealer options to obtain alternative station locations, also provide the framework for protecting the rights of these new dealers. In light of these existing regulatory mechanisms in the petroleum industry, it is highly inappropriate to infuse a new disclosure requirement upon the industry without considering its impact upon other Federal and state schemes to achieve the same objectives.

I. The Petroleum Marketing Practices Act Fully Compensates and Corrects Any Informational and Other Imbalances Between Gasoline Dealers and Their Suppliers

The Petroleum Marketing Practices Act ("PMPA" or the "Act"), Pub. L. No. 95-297, 92 Stat. 322 (1978), which went into effect in June 1978, extensively regulates all significant aspects of the relationships between petroleum companies and their dealers. It includes regulations relating to the circumstances under which a petroleum company may terminate or fail to renew an existing dealer. In addition, new or prospective dealers are fully advised of their rights under PMPA that govern the termination or nonrenewal of trial and interim franchises. Petroleum companies are also required to submit to dealers a summary of their rights and remedies in connection with any termination or nonrenewal. (43 FR 38 743.) This disclosure must be presented to dealers in the form mandated by the Department of Energy. (*Id.*) As is detailed below, new and existing petroleum dealers are completely protected against improper termination or nonrenewal.

PMPA was enacted to "provide for the protection of franchised distributors and retailers of motor fuel" *inter alia*. (See 92 Stat. 322.) It was specially designed to deal with the petroleum industry, unlike the Franchise Rule.

Section 101 of PMPA sets forth several essential terms necessary to the understanding of the Act. The term "franchise" is defined as follows:

(i) any contract under which a retailer or distributor (as the case may be) is authorized or permitted to occupy leased marketing premises, which premises are to be employed in connection with the sale, consignment, or distribution of motor fuel under a trademark which is owned or controlled by such refiner or by a refiner which supplies motor fuel to the distributor which authorizes or permits such occupancy;

(ii) any contract pertaining to the supply of motor fuel which is to be sold, consigned or distributed—

(I) under a trademark owned or controlled by a refiner; or

(II) under a contract which has existed continuously since May 15, 1973, and pursuant to which, on May 15, 1973, motor fuel was sold, consigned or distributed under a trademark owned or controlled on such date by a refiner; and

(iii) the unexpired portion of any franchise, as defined by the preceding provisions of this paragraph, which is transferred or assigned as authorized by the provisions of such franchise or by any applicable provision of State law which permits such transfer or assignment without regard to any provision of the franchise.

Thus, PMPA defines a franchise differently than the FTC has defined it. However, it directly relates to the precise arrangement, leases, addressed in the Sinclair opinion.

Section 102 of PMPA fully regulates the termination and nonrenewal of franchise relationships, with the exception of trial and interim franchises. The Act controls when a franchisor may terminate any franchise prior to its expiration date if the franchise commenced or renewed after enactment of PMPA. It also controls when a franchisor may elect not to renew any franchise relationship. Specifically, the statute provides in part:

Sec. 102. (a) Except as provided in subsection (b) and section 103, no franchisor engaged in the sale, consignment, or distribution of motor fuel in commerce may—

(1) Terminate any franchise (entered into or renewed on or after the date of enactment of this Act) prior to the conclusion of the term, or the expiration date, stated in the franchise; or

(2) Fail to renew any franchise relationship (without regard to the date on which the relevant franchise was entered into or renewed).

(b)(1) Any franchisor may terminate any franchise (entered into or renewed on or after

the date of enactment of this Act) or may fail to renew any franchise relationship, if—

(A) The notification requirements of section 104 are met; and

(B) Such termination is based upon a ground described in paragraph (2) or such nonrenewal is based upon a ground described in paragraph (2) or (3).

(2) For purposes of this subsection, the following are grounds for termination of a franchise or nonrenewal of a franchise relationship:

(A) A failure by the franchisee to comply with any provision of the franchise, which provision is both reasonable and of material significance to the franchise relationship, if the franchisor first acquired actual or constructive knowledge of such failure [within a specified time].

(B) A failure of the franchisee to exert good faith efforts to carry out the provisions of the franchise if—

(i) The franchisee was apprised by the franchisor in writing of such failure and was afforded a reasonable opportunity to exert good faith efforts to carry out such provisions; and

(ii) Such failure thereafter continued within the period which began not more than 180 days before the date notification of termination or nonrenewal was given pursuant to section 104.

(C) The occurrence of an event which is relevant to the franchise relationship and as a result of which termination of the franchise or nonrenewal of the franchise relationship is reasonable, if such event occurs during the period the franchise is in effect and the franchisor first acquired actual or constructive knowledge of such occurrence—[within a specified time period].

(D) An agreement, in writing, between the franchisor and the franchisee to terminate the franchise or not to renew the franchise relationship, if—

(i) Such agreement is entered into not more than 180 days prior to the date of such termination or, in the case of nonrenewal, not more than 180 days prior to the conclusion of the term, or the expiration date, stated in the franchise;

(ii) The franchisee is promptly provided with a copy of such agreement, together with the summary statement described in section 104(d); and

(iii) Within 7 days after the date on which the franchisee is provided a copy of such agreement, the franchisee has not posted by certified mail a written notice to the franchisor repudiating such agreement.

(E) In the case of any franchise entered into prior to the date of the enactment of this Act and in the case of any franchise entered into or renewed on or after such date (the term of which is 3 years or longer, or with respect to which the franchisee was offered a term of 3 years or longer), a determination made by the franchisor in good faith and in the normal course of business to withdraw from the marketing of motor fuel through retail outlets in the relevant geographic market area in which the marketing premises are located, if [certain conditions which protect the dealer are met].

¹ "The Trend of Government Regulation of Business," a paper prepared for a conference on regulation, Hoover Institution, Stanford University, M. L. Weidenbaum (July 9, 1979).

(3) For purposes of this subsection, the following are grounds for nonrenewal of a franchise relationship:

(A) The failure of the franchisor and the franchisee to agree to changes or additions to the provisions of the franchise [in certain circumstances where the franchisee is protected].

(B) The receipt of numerous bona fide customer complaints by the franchisor concerning the franchisee's operation of the marketing premises, if [the dealer was promptly advised and given an opportunity to correct the underlying problems].

(C) A failure by the franchisee to operate the marketing premises in a clean, safe, and healthful manner, if the franchisee failed to do so on two or more previous occasions and the franchisor notified the franchisee of such failures.

(D) In the case of any franchise entered into prior to the date of the enactment of this Act (the unexpired term of which, on such date of enactment, is 3 years or longer) and, in the case of any franchise entered into or renewed on or after such date (the term of which was 3 years or longer, or with respect to which the franchisee was offered a term of 3 years or longer), a determination made by the franchisor in good faith and in the normal course of business, if—

(i) Such determination is—

(I) To convert the leased marketing premises to a use other than the sale or distribution of motor fuel,

(II) To materially alter, add to, or replace such premises,

(III) To sell such premises, or

(IV) That renewal of the franchise relationship is likely to be uneconomical to the franchisor despite any reasonable changes or reasonable additions to the provisions of the franchise which may be acceptable to the franchisee;

(ii) With respect to a determination referred to in subclause (II) or (IV), such determination is not made for the purpose of converting the leased marketing premises to operation by employees or agents of the franchisor for such franchisor's own account; and

(iii) In the case of leased marketing premises such franchisor, during the 90-day period after notification was given pursuant to section 104, either—

(I) Made a bona fide offer to sell, transfer, or assign to the franchisee such franchisor's interests in such premises; or

(II) If applicable, offered the franchisee a right of first refusal of at least 45-days duration of an offer, made by another, to purchase such franchisor's interest in such premises.

(c) As used in subsection (b)(2)(C), the term "an event which is relevant to the franchise relationship and as a result of which termination of the franchise or nonrenewal of the franchise relationship is reasonable" includes events such as—

(1) Fraud or criminal misconduct by the franchisee relevant to the operation of the marketing premises;

(2) Declaration of bankruptcy or judicial determination of insolvency of the franchisee;

(3) Continuing severe physical or mental disability of the franchisee of at least 3

months duration which renders the franchisee unable to provide for the continued proper operation of the marketing premises;

(4) Loss of the franchisor's right to grant possession of the leased marketing premises through expiration of an underlying lease, if the franchisee was notified in writing, prior to the commencement of the term of the then existing franchise—

(A) Of the duration of the underlying lease, and

(B) Of the fact that such underlying lease might expire and not be renewed during the term of such franchise (in the case of termination) or at the end of such term (in the case of nonrenewal);

(5) Condemnation or other taking, in whole or in part, of the marketing premises pursuant to the power of eminent domain;

(6) Loss of the franchisor's right to use the trademark which is the subject of the franchise, unless such loss was due to trademark abuse, violation of Federal or State law, or other fault or negligence of the franchisor, which such abuse, violation, or other fault or negligence is related to action taken in bad faith by the franchisor;

(7) Destruction (other than by the franchisor) of all or a substantial part of the marketing premises;

(8) Failure by the franchisee to pay to the franchisor in a timely manner when due all sums to which the franchisor is legally entitled;

(9) Failure by the franchisee to operate the marketing premises for—

(A) 7 consecutive days, or

(B) such lesser period which under the facts and circumstances constitutes an unreasonable period of time;

(10) willful adulteration, mislabeling or misbranding of motor fuels or other trademark violations by the franchisee;

(11) knowing failure of the franchisee to comply with Federal, State, or local laws or regulations relevant to the operation of the marketing premises; and

(12) conviction of the franchisee of any felony involving moral turpitude.

Section 103 of PMPA regulates relationships with new dealers (denominated "trial" and "interim" franchisees). This portion of PMPA is particularly significant because it fully regulates the same relationship affected by the Franchise Rule. Along with the other sections of the Act, including the notification requirement of a franchisee's legal rights and remedies, this section provides disclosure to new and prospective franchisees and to their suppliers which obviates any need for the Franchise Rule. There are two categories of agreements covered by Section 103, "trial franchises" and "interim franchises." Section 103 provides:

(a) The provisions of section 102 shall not apply to the nonrenewal of any franchise relationship—

(1) Under a trial franchise; or

(2) Under an interim franchise.

(b) For purposes of this section—

(1) The term "trial franchise" means any franchise—

(A) which is entered into on or after the date of enactment of this Act;

(B) the franchisee of which has not previously been a party to a franchise with the franchisor;

(C) the initial term of which is for a period of not more than 1 year; and

(D) which is in writing and states clearly and conspicuously—

(i) that the franchise is a trial franchise;

(ii) the duration of the initial term of the franchise;

(iii) that the franchisor may fail to renew the franchise relationship at the conclusion of the initial term stated in the franchise by notifying the franchisee, in accordance with the provisions of section 104, of the franchisor's intention not to renew the franchise relationship; and

(iv) that the provisions of section 102, limiting the right of a franchisor to fail to renew a franchise relationship, are not applicable to such trial franchise.

(2) The term "trial franchise" does not include any unexpired period of any term of any franchise (other than a trial franchise, as defined by paragraph (1) which was transferred or assigned by a franchisee to the extent authorized by the provisions of the franchise or any applicable provision of State law which permits such transfer or assignment, without regard to any provision of the franchise.

(3) The term "interim franchise" means any franchise—

(A) Which is entered into on or after the date of the enactment of this Act;

(b) The term of which, when combined with the terms of all prior interim franchises between the franchisor and the franchisee, does not exceed 3 years;

(C) The effective date of which occurs immediately after the expiration of a prior franchise, applicable to the marketing premises, which was not renewed if such nonrenewal—

(i) Was based upon a determination described in section 102(b)(2)(E), and

(ii) The requirements of section 102(b)(2)(E) were satisfied; and

(D) Which is in writing and states clearly and conspicuously—

(i) That the franchise is an interim franchise;

(ii) The duration of the franchise; and

(iii) That the franchisor may fail to renew the franchise at the conclusion of the term stated in the franchise based upon a determination made by the franchisor in good faith and in the normal course of business to withdraw from the marketing of motor fuel through retail outlets in the relevant geographic market area in which the marketing premises are located if the requirements of section 102(b)(2)(E)(ii) and (iii) are satisfied.

(c) If the notification requirements of section 104 are met, any franchisor may fail to renew any franchise relationship—

(1) under any trial franchise, at the conclusion of the initial term of such trial franchise; and

(2) under any interim franchise, at the conclusion of the term of such interim franchise, if—

(A) such nonrenewal is based upon a determination described in section 102(b)(2)(E); and

(B) the requirements of section 102(b)(2)(E)(ii) and (iii) are satisfied.

Section 104 provides general requirements relating to the notification of termination or nonrenewal of all franchises, including trial and interim franchises. Section 105 sets forth the legal remedies available to the franchisee.

When Congress enacted PMPA, it was recognized that "[t]he franchise relationship in the petroleum industry is unusual, in fact perhaps unique * * * S. Rep. No. 95-732, 95th Cong., 2d Sess. 16 (1978). Congress intended to enact "a single, uniform set of rules governing the grounds for termination and nonrenewal of motor fuel marketing franchises and the notice which franchisors must provide franchisees prior to termination of a franchise or nonrenewal of a franchise relationship." *Id.* at 18. The Senate Report concluded that PMPA was designed to regulate the "franchise relationship" in the crucial areas of termination and nonrenewal. *Id.*

II. Regulations Promulgated by DOE and DOE Information Gathering Activity Have Together Alleviated Many of the Concerns Addressed by the Franchise Rule

The petroleum industry is rapidly becoming one of the most regulated industries in the nation. The DOE is charged with administering a complex maze of energy statutes. *See, e.g.,* the DOE Organization Act, 42 U.S.C. 7101 *et seq.*; the Federal Energy Administration Act, 15 U.S.C. 761 *et seq.*; and the Energy Supply and Environmental Coordination Act, 15 U.S.C. 791 *et seq.* Moreover, the DOE has promulgated dozens of regulations pursuant to various statutes which have drastically affected the industry. *See, e.g.,* 10 CFR Part 210, 211, 212, 213. Moreover, the DOE has wide-ranging power to collect energy data and publish it. *See, e.g.,* 42 U.S.C. 7135(g).

In advising Sinclair that it is covered by the Rule, the staff premised its opinion on the limited choices open to new dealers. In fact, Petitioners' flexibility is equally restricted by the regulatory activity of the DOE.

For the same reasons often cited in primary jurisdiction cases, the Commission should defer to the DOE in the area of franchising in the petroleum industry. The DOE has been actively

involved in regulating the petroleum industry, including promulgating regulations under PMPA. In order to effectuate the DOE's regulatory scheme, the "supple" doctrine of primary jurisdiction should be invoked by the Commission and an exemption for the petroleum industry recognized in order to achieve this. *See City of Lafayette Louisiana v. SEC*, 454 F.2d 941, 954 (1971), *aff'd sub nom. Gulf State Utilities v. FPC*, 411 U.S. 747 (1973); *Connecticut Municipal Group v. FPC*, 498 F.2d 993, 998 (1974).

III. The FTC Should Consider the Degree of Preexisting State Regulation of Franchise Relationships

It is difficult to determine any potentially useful purpose that would be served if the Franchise Disclosure Rule were added to the comprehensive Federal regulation of franchisors currently realized by DOE and PMPA. Any remaining doubt that pre-existing regulation has obviated the need for the Rule should be dismissed in light of recent state regulations of the franchise relationship.

The imposing number of such statutes can be separated into the categories of state franchise protection laws and franchise registration and disclosure laws. Since the publication of the initial proposed Rule in November 1971, some 32 states have adopted franchise protection laws, sometimes known as "dealer day-in-court laws." (See attached Exhibit A.) Twenty-two of these laws were adopted after midyear 1974. Twenty-six of the state franchise protection laws apply exclusively to petroleum franchises. Attached as Exhibit A is a listing of the state franchisee protection laws with the year of effectiveness indicated in each case. Fourteen of such laws require the petroleum franchisor to disclose to any prospective franchisee, before any franchise is consummated, certain information which is of particular relevance to the petroleum franchise relationship.

In addition, state franchise regulation and disclosure laws have been adopted in 14 states since 1971. This group of legislation requires franchisors, prior to the execution of a franchise, to provide franchisees with detailed information regarding the franchisor and the proposed franchise. In most cases, these laws further require the prior registration of the offering circular or other disclosure statement with a designated state official. Attached as Exhibit B is a listing of existing state franchise registration or disclosure laws,

with the year of effectiveness mentioned in each case.

As is the case with the Rule's relationship to PMPA and DOE regulation, the utility of the Rule has been substantially reduced where the subject matter already has been covered by some 39 expansive state statutes.

Conclusion

For all of the foregoing reasons, the Commission should exempt the petroleum industry from the Franchise Rule.

Respectfully submitted,

J. Wallace Adair, Roger C. Simmons, W. Reed Moran, Howrey & Simon, 1730 Pennsylvania Ave., N.W., Washington, D.C. 20006, (202) 783-0800,

Attorneys for Petroleum Company Petitioners.

October 8, 1979

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Attorneys for Ashland Petroleum Company.

Exhibit A.—State Franchise Protection Laws

Year effective	Total	G-general P-petroleum	State
1971 ...	1	G	New Jersey
1972 ...	2	P	Massachusetts
		G	Connecticut (General)
1973 ...	4	P	Georgia
		P	Maryland
		P	Minnesota
		P	Virginia
1974 ...	8	P	Arizona
		P	Delaware
		P	Iowa
		P	Louisiana
		G	Missouri
		P	New Hampshire
		P	New Mexico
		G	Wisconsin
1975 ...	9	P	Arkansas
		P	Hawaii
		P	Maine
		G	Mississippi
		P	Nevada
		P	New York
		P	Tennessee
		P	Utah
		P	Vermont
1976 ...	6	P	Alaska
		P	California
		G	Indiana
		P	Pennsylvania
		P	Rhode Island
		P	West Virginia
1977 ...	—	P	Connecticut (replaces 1972 law as to petroleum only)
1978 ...	1	P	District of Columbia
1978 ...	1	G	Nebraska
132			

¹States total.

Exhibit B

State Franchise Registration/Disclosure Laws

Year effective	State
1971	California.
1972	Virginia, Washington, Wisconsin.
1973	Minnesota, Oregon, Rhode Island.
1974	Illinois, Michigan, South Dakota.
1975	Hawaii, Indiana, North Dakota.
1978	Maryland.
14 States total.	

[T.R.R. No. 215-34]

In Re: FTC Franchise Disclosure Rule Review.

Supplement to Petroleum Companies' Application for an Exemption From the Franchise Disclosure Rule

On October 8, 1979, the undersigned petroleum companies ("Petitioners") petitioned the Federal Trade Commission ("Commission") for an exemption from the Franchise Rule ("Rule") pursuant to 15 U.S.C. 57a(g)(1). Although the Rule, as it appears to apply to the petroleum industry, became effective on October 21, 1979, the Commission has yet to act on the petroleum companies' petition.

The Commission's staff issued advisory opinions to Sinclair Marketing, Inc. and Marathon Oil Company on October 1, 1979, and October 5, 1979, respectively. Both companies were advised by the staff that they are covered by the Rule. However, the staff previously advised eight automotive companies that they were exempt from the Rule.² These advisory opinions were then ratified by the Commission, while the opinions to Sinclair and Marathon have not yet been so ratified. Despite the similar marketing facts referred to in the requests submitted by the automobile companies and the petroleum companies, the staff acted contrary to the Commission's determinations with respect to the "required" payment element of the Rule by refusing to exempt Sinclair and Marathon. In light of the inconsistencies in connection with these advisory opinions and for the reasons set out herein, Petitioners hereby supplement their application for an exemption.

In its advisory opinions to Marathon and Sinclair, the staff addressed the "required" payment element of the Rule. It concluded that payments made by dealers for rent under the lease agreements constituted "Required" payments within the meaning of the Rule.

²Staff Opinion to Automobile Importers of America, Inc., dated August 9, 10 and 29, 1979; Commission ratification, dated October 5, 1979; Staff Opinion to Chrysler, dated August 10, 1979; Commission ratification, dated October 5, 1979; Staff Opinion to Ford Motor Company, dated August 23, 1979; Commission ratification, dated October 5, 1979; Staff Opinion to General Motors, dated August 17, 1979; Commission ratification, dated October 5, 1979; Staff Opinion to PACCAR, dated August 27, 1979; Commission ratification, dated October 5, 1979; Staff Opinion to Volkswagen of America, Inc., dated August 27, 1979; Commission ratification, dated October 5, 1979; Staff Opinion to White Motor, dated August 27, 1979; Commission ratification, dated October 5, 1979; Staff Opinion to Freightliner, dated August 27, 1979; Commission ratification, dated October 5, 1979.

Both opinions, while reiterating the staff's purported special concern regarding real estate leases, went on to note that the real estate lease payments made by automobile dealers to the manufacturers are optional. Such payments, the staff reasoned, are optional because "there were no significant marketplace or franchisor barriers" to the dealers obtaining sites other than those offered by the manufacturers.

Despite the almost identical options available to petroleum company dealers who seek to lease real estate to operate their service stations, the staff concluded that they do not have "real, legitimate and practical alternative[s]" to leasing from their suppliers. In support of that conclusion, the staff relied on what it termed the "existence of several potential barriers in the marketplace which could substantially diminish the dealer's ability to obtain an alternative location." The staff then went on to cite four factors to support its conclusion "that real property lease arrangements are not optional" within the petroleum industry.³ Ironically, *all* but one of the factors cited by the staff in the Sinclair and Marathon opinions are also applicable to various supplier-dealer relationships, such as automobile distributors, who have been advised by the staff that their lease arrangements are optional. This double standard in applying the Rule is particularly unfair in light of the lack of evidence in the administrative record which would support a Draconian application of the Rule against the petroleum industry. To penalize the petroleum companies for marketplace realities beyond their control, but which are equally present in the automobile industry would be patently unfair and inconsistent with staff advisory opinions issued to non-petroleum companies.

The staff's conclusion is also at odds with the realities of the marketplace. For instance, a substantial number of dealers actually own their service stations. As stated by the affidavit of J. B. Hinton, General Manager of the U.S. Marketing, Planning and Financial Analysis Department of Mobil Oil Corporation's Marketing and Refining Division:

* * * [R]eal estate leases are part of a service station dealership only where a prospective dealer wishes to occupy property owned or leased by Mobil. *At over half of*

³The four factors included in the staff's opinions are: location of the service station; substantial initial expense and uncertainty of financial sources; gasoline shortage and allocation system; and zoning and other similar restrictions limiting site availability. See, e.g., Staff Opinions to Marathon and Sinclair at 3 and 4, respectively.

Mobil service stations, dealers own their own real estate or lease it from third parties. Leasing Mobil owned property is clearly not a condition of becoming a Mobil dealer. (Emphasis added.)

(Affidavit dated August 8, 1979, filed with the Renewed Emergency Motion of Petroleum Company Petitioners for Stay of Federal Trade Commission Franchise Disclosure Rule before the Ninth Circuit.) To Petitioners' knowledge, no other non-petroleum company furnished the Commission with a detailed, sworn statement regarding the optional nature of their real estate leases. It is baffling to understand how the staff could reach its determination with respect to the petroleum companies.

Turning to the four general factors said to erect "potential barriers" to realistic options within the petroleum industry, the staff's opinions to Sinclair and Marathon first refer to the location of a service station which is said to be dependent upon unique factors such as traffic patterns, traffic access, etc. to give existing lease sites a "competitive advantage" which the staff surmises cannot be duplicated by another location. It must be clear to the Commission that the factors, attendant with a particular location (such as "traffic patterns, traffic access, etc.") are not unique to the petroleum industry. They are equally germane and significant in terms of the competitive advantages afforded to other industries and businesses vis-a-vis their respective competition. Indeed, this would clearly include the automobile dealerships. What could be more important for a successful automobile dealership than a relatively large tract of improved land situated strategically so as to be easily accessible to a cross-section of the consuming community.⁴ Without a doubt, location is as important, if not more so, to the automobile dealer than it is to the gasoline dealer. Yet, the staff concluded otherwise by issuing favorable advisory opinions to automobile dealers by finding their lease payments to be optional, which findings the Commission ratified. The same treatment, however, was denied the two oil companies, in part, on the grounds of locational factors, even though the identical factors are applicable to the automotive industry. There can be no justification for this discriminatory treatment. The staff simply has not followed the

Commission's guidance in addressing the "required" payment element of the Rule.

The second factor cited by the staff which purportedly acts to limit petroleum company dealer's "flexibility * * * to pursue options other than leasing an existing station" from the companies is the substantial initial expense and uncertainty of obtaining financing for construction of a new gasoline station. Again, however, it makes little sense to distinguish the petroleum industry from other industries. The prospective automobile dealer wishing to construct facilities for his new dealership invariably faces identical investment considerations to those faced by potential petroleum company dealers. It is totally inconsistent for the staff, on the one hand, to rely on this factor to apply the Rule to the entire petroleum industry and, on the other hand, to ignore the identical factor when addressing other industries. Actually, there was no need to even consider the cost and financing problems faced by potential gasoline dealers because the same problems unquestionably face other industries which already had been issued favorable advisory opinions on the basis that their dealers do not make "required payments."

A third factor articulated by the staff advisory opinions said to limit the alternatives available to potential dealers to leasing from petroleum companies are "zoning regulations or other restrictions limiting site availability." Such regulations and restrictions, however, cut across the board and apply to other businesses including automobile dealerships. In fact, these factors would appear to be significantly more acute in the automobile industry where the very size of the tract of land necessary to operate a successful dealership, with its attendant service area and used car lot, would operate to strictly limit alternatives to locations in terms of zoning regulations and other site availability restrictions. Zoning laws and other restrictions are generally blind to the particular type of business venture which is contemplated for a specified site. They are as applicable to the automobile industry as they are to the petroleum industry. There is no reason whatsoever, either as gleaned from the administrative record in the rulemaking proceedings or from a practical standpoint, to discriminate against the petroleum companies on the basis of zoning and other similar restrictions. These restrictions raise "barriers" for all commercial enterprises

in choosing alternatives for sale outlets, particularly for those which require substantial acreage of real estate for the successful operation of their businesses. There is nothing to indicate that these barriers are more formidable for gasoline dealers than they are for automobile dealers in selecting a site. Accordingly, these factors are irrelevant from the standpoint of singling out the petroleum industry for coverage under the Rule.

Finally, the staff opinions refer to completely transitory and elusive factors such as "the present gasoline shortage and the [government's] gasoline allocation system" as possibly creating the "impediment * * * to establish an alternative location with an assured source of supply." These factors, which are totally beyond the control of the petroleum companies affect the companies at least as much as they do the potential dealers. While national and international circumstances have caused two periods of gasoline shortage in the past seven years, the availability of oil can be quickly altered by a turn of events outside the control of the petroleum companies. It therefore seems hardly logical and prudent to apply a trade regulation standard on the basis of external political and economic conditions which are in a constant state of flux and which are temporary in nature. Indeed, it is inappropriate to use them as a justification to trigger the application of the Rule.

This is particularly the case where, as here, a comparison is drawn between the petroleum industry and the automotive industry in terms of the Rule. The former has been advised that it is covered by the Rule while the latter is exempted; yet the difference between the two, as far as the Rule is concerned, is that within the petroleum industry the allocations and supplies of the product sold by those companies are determined, in part, by regulations issued by the Department of Energy.

The interpretation as well as the administration of these regulations are best left to the DOE. Their primary concern is with national energy policies, not availability of alternative sites for gasoline service stations. Hence, such regulations should not serve as a basis for including the petroleum companies within the scope of the Rule where the optional nature of lease payments received by the petroleum companies from their dealers are otherwise essentially the same as such payments received by automobile manufacturers from their dealers. Because of the basic similarity between the lease payments

⁴It approaches naivete to suggest that a prospective automobile dealer can obtain more readily a suitable site of 8-10 times the acreage of a typical gasoline station than a prospective gasoline dealer can obtain a suitable site for a gasoline station. But more importantly, there is no evidence supporting this conclusion in the record.

received by the two industries, and since the staff excluded the automobile industry from coverage of the Rule, it follows that the petroleum companies should be exempt as well.

Conclusion

For all of the foregoing additional reasons, the Commission should exempt the petroleum industry from the Franchise Rule.

Dated: January 29, 1980.

Respectfully submitted,

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Robert H. Compton, Esquire, J. Michael Wilder, Esquire, Ashland Petroleum Company, P.O. Box 391, Ashland, Kentucky 41101; *Attorneys for Ashland Petroleum Company.*

Roderick C. MacKinnon, Esquire, The Standard Oil Company, Midland Building, Cleveland, Ohio 44115; *Attorney for The Standard Oil Company.*

[T.R.R. 215-34]

In re: Sinclair Marketing, Inc.; Exemption from Franchise Disclosure Rule.

Sinclair Marketing, Inc. Application for an Exemption From the Franchise Disclosure Rule

Pursuant to 15 U.S.C. 57(a)(g)(1), Sinclair Marketing, Inc., ("Sinclair") hereby petitions the Federal Trade Commission ("Commission") for an exemption from the Commission's trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures," 16 CFR Part 436.

The grounds for the relief sought herein include those set forth in the Petition, dated October 8, 1979, and Supplement to Petition, dated January 29, 1980, filed on behalf of Shell Oil Company and other petroleum industry petitioners and the contents of that Petition and Supplement to Petition are incorporated herein by reference. Sinclair reserves the right to supplement this petition with such additional information and argument as it deems appropriate.

Dated: March 20, 1980.

Respectfully submitted,

William J. Mutryn,

Francis J. LaPallo,

Casson, Calligaro & Mutryn, Attorneys for Sinclair Marketing, Inc.

[T.R.R. No. 215-34]

In Re Franchise Disclosure Rule Review.

Motion of the Standard Oil Company To Join Petroleum Companies' Application for an Exemption From the Franchise Disclosure Rule

Pursuant to 15 U.S.C. 57(a)(g)(1), The Standard Oil Company hereby joins the Petroleum Companies' Application for an Exemption From the Franchise Disclosure Rule filed with the Federal Trade Commission on October 9, 1979. Petitioner likewise joins in the Application for a Temporary Stay of the Effective Date of the Franchise Rule also filed on October 9, 1979. In support of this application, The Standard Oil Company adopts and incorporates the

grounds set forth in the aforementioned applications.

October 12, 1979.

Respectfully submitted,

J. Wallace Adair,

Roger C. Simmons,

Howrey & Simon.

Roderick C. MacKinnon,

The Standard Oil Company.

[T.R.R. No. 215-34]

In the Matter of: FTC Franchise Disclosure Rule Review.

Texas Oil Marketers Application for an Exemption From the Franchise Disclosure Rule

Pursuant to 15 U.S.C. 57(a)(g)(1), the Texas Oil Marketers Association, a non-profit association organized under the laws of the State of Texas, hereby petitions the Federal Trade Commission ("Commission") for an exemption from the Franchise Rule scheduled to become effective October 21, 1979, as it applies to the petroleum industry.

The grounds for and relief sought in this petition are those set forth in the petition dated October 8, 1979, entitled, "Petroleum Companies Application for an Exemption from the Franchise Disclosure Rule" and filed with the Commission on behalf of Shell Oil Company, et alia. The contents of that petition are fully adopted by this petitioner and are herewith incorporated by reference as fully as though set forth in haec verba.

October 12, 1979.

Respectfully submitted,

Gregg R. Potvin,

Attorney for Texas Oil Marketers Association, Petitioner, Bassman, Mitchell & Levy, Attorneys at Law.

[T.R.T. No. 215-34]

In the Matter of: FTC Franchise Disclosure Rule Review.

National Oil Jobbers Council Application for an Exemption From the Franchise Disclosure Rule

Pursuant to 15 U.S.C. 57(a)(g)(1), the National Oil Jobbers Council, a non-profit association organized under the laws of the State of Tennessee, hereby petitions the Federal Trade Commission ("Commission") for an exemption from the Franchise Rule scheduled to become effective October 21, 1979, as it applies to the petroleum industry.

The grounds for and relief sought in this petition are those set forth in the petition dated October 8, 1979, entitled, "Petroleum Companies Application for an Exemption from the Franchise Disclosure Rule" and filed with the Commission on behalf of Shell Oil

Company, et al. The contents of that petition are fully adopted by this petitioner and are herewith incorporated by reference as fully as though set forth in haec verba.

October 15, 1979.

Respectfully submitted,

Gregg R. Potvin,

*Attorney for National Oil Jobbers Council,
Petitioner, Bassman, Mitchell & Levy
Attorneys at Law.*

In the Matter of: FTC Franchise
Disclosure Rule Review.

**Illinois Petroleum Marketers
Application for an Exemption From the
Franchise Disclosure Rule**

Pursuant to 15 U.S.C. 57a (g) (1), the Illinois Petroleum Marketers Association, a non-profit association organized under the laws of the State of Illinois, hereby petitions the Federal Trade Commission ("Commission") for an exemption from the Franchise Rule scheduled to become effective October 21, 1979, as it applies to the petroleum industry.

The grounds for and relief sought in this petition are those set forth in the petition dated October 8, 1979, entitled, "Petroleum Companies Application for an Exemption from the Franchise Disclosure Rule" and filed with the Commission on behalf of Shell Oil Company, et al. The contents of that petition are fully adopted by this petitioner and are herewith incorporated by reference as fully as though set forth in haec verba.

October 25, 1979.

Respectfully submitted,

Gregg R. Potvin,

*Attorney for Illinois Petroleum Marketers
Association, Petitioner, Bassman, Mitchell &
Levy Attorneys at Law*

[FR Doc. 80-11436 Filed 4-17-80; 8:45 am]

BILLING CODE 6750-01-M

**SECURITIES AND EXCHANGE
COMMISSION**

17 CFR Parts 230, 239, and 274

[Release Nos. 33-6205, IC-11114; File No. S7-829]

**Revised Procedures for Processing
Post-Effective Amendments Filed by
Investment Companies**

Correction

In FR Doc. 80-10824 appearing at page 24500 in the issue for Thursday, April 10, 1980, in the "SUMMARY" paragraph, the last sentence should read: "Under the proposed rule, post-effective amendments filed for certain purposes

would become effective immediately upon filing, while others would become effective on the sixtieth day after filing."

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

**Occupational Safety and Health
Administration**

29 CFR Part 1910

[Docket No. OSH-11]

**Proposed Standard for Occupational
Noise Exposure; Opportunity To
Comment on Additional Information**

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Reopening of rulemaking record on occupational noise exposure to introduce certain documents and to allow opportunity for written comments.

SUMMARY: This document reopens the rulemaking record on occupational noise exposure in order to introduce material submitted to the agency since the last time the record was open and to introduce some updated cost data as to hearing conservation programs into the record. In addition, some corrected transcripts from the 1976 public hearings are made available. This notice also invites interested persons to submit written comments concerning these documents.

DATES: Comments on the new submissions must be received by June 9, 1980.

ADDRESSES: Comments should be sent to: Docket Officer, Docket No. OSH-11, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone (202) 523-7894.

FOR FURTHER INFORMATION CONTACT:

Dr. Alice Suter, Office of Physical Agents Standards, Occupational Safety and Health Administration, Room N3718, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone (202) 523-7151.

SUPPLEMENTARY INFORMATION:

Rulemaking proceedings on an amended standard on occupational noise exposure have been in progress for many years. The proposal was published in October 1974 (39 FR 37773); two public hearings were held on the proposed standard (June 23 through July 30, 1975 and September 21 through October 8, 1976); OSHA commissioned two economic feasibility reports which the public had an opportunity to comment upon both in writing and at the public hearings. These feasibility

reports, which were published in 1975 and 1976, contain cost estimates for noise control and hearing conservation. Before the final standard is issued certain of these cost estimates need to be expanded and updated. The OSHA staff has gathered cost and feasibility information which has been entered into the public record. In addition, the agency has placed into the record for public perusal a number of comments, letters and reports pertaining to the noise standard which have been received since the record closed in 1977. In addition certain discrepancies in the transcripts from the second set of hearings were brought to the agency's attention. As a result the court reporter reviewed the tape recordings from the second set of hearings and made necessary revisions. While it is not felt that these corrections are major, the agency is inserting the corrected transcripts into the record at this time for public review and, if appropriate, public comment.

The materials which have been inserted into the record are summarized briefly below:

Exhibit Numbers.

- 283—Letter dated November 30, 1977, to Alice Suter from Niel Ver Hoef concerning the American National Standard S3.1-1977.
- 284—Cover letter dated May 17, 1977, to Eula Bingham from Raymond A. Yerg, Chairman of Inter-Industry Noise Study Steering Committee, and paper entitled "Inter-Industry Noise Study."
- 285—Letter dated March 28, 1978, to Alice Suter from J. William Vanke, Director of Audiological Services, Monitor, Inc. concerning the inclusion of the new American National Standard entitled "Criteria for Permissible Ambient Noise During Audiometric Testing," ANSI S3.1-1977, into new noise standard.
- 286—Letter dated April 26, 1978, to Alice Suter from J. William Vanke concerning the correct definition of baseline audiogram.
- 287—Letter dated May 4, 1978, to Basil Whiting from Alan Eckel concerning the American National Standard S3.1-1977, also attached letters to Alan Eckel from Clarence Folsom, J. William Vanke, Jerry L. Northern and Barbara Halterman on the same subject, and an article entitled "Hearing Conservation Standards . . . How to Comply" by Alan Eckel.
- 288—Letter dated May 16, 1978, to Alice Suter from Niel Ver Hoef, Audiology Associates concerning the possibility of requiring the use of audiometers with microprocessors in the noise standard.
- 289—Letter dated July 26, 1978, to Alice Suter from Robert Young, Associate Editor of the Acoustical Society of America, concerning appropriate wording of the new noise standard.
- 289a—Letter dated June 7, 1978, to W. Dixon Ward from Robert Young, Associate Editor of the Acoustical Society of America,

- concerning the distinction between average level and equivalent level.
- 289b—Article entitled, "Two Years of Continuous Monitoring of Aircraft Noise with Portable Instruments" by Robert Young, preprinted for Inter-Noise 78, Proceedings of, 8-10 May 1978.
- 290—Letter dated September 12, 1978, to Alice Suter from Stuart Heggie, President of Donley, Miller and Nowikas, Inc. concerning the economic impact of the noise standard.
- 291—Letter dated September 13, 1978, to Donald McKenzie from Gene Del Polito, Director of Audiology Program, American Speech and Hearing Association, concerning the results of a poll taken from the Committee on Hearing Conservation and Industrial Audiology.
- 292—Letter dated December 4, 1978, to Alice Suter from Eugene Fidell, Le Boeuf, Lamb, Leiby and MacRae, Counsel to Bilson International, Inc. concerning hearing protection and American National Standard S-3.10 (1974).
- 293—Letter dated January 15, 1980 to Alice Suter from Jeffrey Morrill, President of Impact-Hearing Conservation, Inc. concerning the wearing of ear protection prior to conducting baseline audiometry.
- 294—Letter dated February 7, 1979, to Alice Suter from Van Lee, Equitable Environmental Health Inc. concerning the problems of monitoring impulse noise exposures.
- 295—Letter dated September 10, 1979, to Alice Suter from Sue Riggs, President of Audiometric Services, Inc. concerning audiometric test room ambient noise measurements.
- 296—Letter dated November 12, 1979, to Alice Suter from George Kamperman, Kamperman Associates, concerning the measurement of impulsive and impact noise and other aspects of the existing and the proposed noise standard.
- 297—Letter dated December 27, 1979 to Richard Peppin from Robert Young concerning noise measurement for a practical hearing conservation program.
- 298—Letter dated July 31, 1979, to Alice Suter from Stuart Heggie, President of Donley, Miller and Nowikas, Inc. and reprint of article by Allan J. Heffler, Vice President for Audiological Services, Donley, Miller and Nowikas, Inc. entitled "Cost effective Hearing Conservation for Industry."
- 299—Article entitled, "Protocol of Inter-Industry Noise Study" by Raymond A. Yerg, Chairman of I.I.N.S. Steering Committee, 17 Journal of Occupational Medicine 760-765 (December 1975).
- 300—Article entitled, "Real Ear Attenuation of Personal Ear Protective Devices Worn in Industry" by Donald E. Regan, 3 Audiology and Hearing Education 16-18 (December-January 1977).
- 300a—Doctoral dissertation entitled, "Real Ear Attenuation of Personal Ear Protective Devices Worn in Industry" by Donald E. Regan, Kent State University (June 1975).
- 301—Article entitled, "Ear Plug Performance in Industrial Field Conditions" by M. Padilla, 10 Sound and Vibration 33-36 (May 1976).
- 302—Article entitled, "Hearing Levels of Non-Industrial Noise Exposed Subjects" by E. Berger, L. Royster, and W. Thomas, 19 Journal of Occupational Medicine 664-670 (October 1977).
- 303—Article entitled, "Method for Determining Complex Operator Noise Exposures" by P. Hess, R. Reed, P. Jensen, and C. Jokel, 39 American Industrial Hygiene Association Journal 717-722 (September 1978).
- 304—Article entitled, "The Effects Upon Hearing of Steady State Noise Between 82 and 92 dBA" by R. Yerg, J. Sataloff, A. Clorig and H. Menduke, 20 Journal of Occupational Medicine 351-358 (May 1978).
- 305—Booklet published by Impact Hearing Conservation, Inc. describing the company's hearing conservation program and other essential aspects of an effective program.
- 306—Report entitled, "Hearing Conservation Program—DuPont, Co., Recommended Practice and the Details of the DuPont, Co. Program", (July 14, 1978).
- 307—A study conducted by Impact-Hearing Conservation, Inc. entitled, "An Echo Analysis of the Effectiveness of Ear Protection Measures in Two Industrial Populations."
- 308—Department of Health, Education and Welfare, Public Health Service, Center for Disease Control, National Institute for Occupational Safety and Health, Technical Report entitled "A Field Investigation of Noise Reduction Afforded by Insert-Type Hearing Protectors." Publication No. 79-115, (November 1978).
- 309—Department of Health, Education and Welfare, Public Health Service, Center for Disease Control, National Institute for Occupational Safety and Health, "Occupational Exposure Sampling Strategy Manual," Publication No. 77-173, (January 1977).
- 310—Department of the Air Force, Wright-Patterson Air Force Base, Ohio, Aerospace Medical Research Laboratory, "Derivation of Presbycusis and Noise Induced Permanent Threshold Shift (NIPTS) to be used for the Basis of a Standard on the Effects of Noise on Hearing", Publication No. AMRL-TR-78-128 (September 1978).
- 311—Acoustical Society of America Standard 1-1975, entitled "Method for the Measurement of Real-Ear Protection of Hearing Protectors and Physical Attenuation of Earmuffs."
- 312—American National Standard S3.1-1977, entitled "Criteria for Permissible Ambient Noise during Audiometric Testing."
- 313—American National Standard S1.25-1978, entitled "Specification for Personal Noise Dosimeters."
- 314—Approval and Promulgation of Noise Labeling Requirements for Hearing Protectors, Environmental Protection Agency, 44 Fed. Reg. 56130 (1979).
- 315—Findings of Fact on Use of Noise Dosimeters, Coal Mine Health Noise Standard, Department of Health, Education and Welfare, Center for Disease Control, National Institute for Occupational Safety and Health, 43 FR 3729 (1978).
- 316—Final Rule on Noise Dosimeters, Mine Safety and Health Administration, Department of Labor, 43 FR 40760 (1978).
- 317—Summary of discussions pertaining to effective hearing conservation programs, U.S. Department of Labor, Occupational Safety and Health Administration, August 31, 1979.
- 318—Corrected transcripts of the public hearing held from September 21 through October 8, 1976.
- 319—Price lists, brochures, catalogs, and correspondence pertaining to the cost and feasibility of hearing conservation program.

These materials are available for public inspection and copying from the Docket Officer, Docket No. OSH-11, Docket Office, Room S-6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210 (Telephone (202) 523-7894). Copies will be mailed upon telephone request at the usual copying charge.

Comments are invited on the above materials only. The rulemaking record in this proceeding is already extremely large and repetitive. Therefore we request that the public refrain from resubmitting comments which have already been submitted. Comments on the materials listed above must be received no later than June 9, 1980 and should be submitted in quadruplicate to the Docket Office, Docket No. OSH-11, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

The comments that are submitted as well as the entire record of this proceeding will be available for public inspection and copying at the above address. All timely submissions received will be made a part of the record of this proceeding. **AUTHORITY:** This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C. 20210.

Accordingly, under section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 8-76 (41 FR 25059), and 29 CFR Part 1911, the record in the rulemaking proceeding on occupational noise exposure is reopened for the limited purpose of introducing certain new documents and other material described more fully above and allowing written submissions relating to these documents.

(Sec. 4(b), 6(b) and 8 of the Occupational Safety and Health Act of 1970 (84 Stat. 1592, 1593, 1599; 29 U.S.C. 653(b), 655(b), 657), 29 CFR Part 1911 and Secretary of Labor's Order No. 8-76 (41 FR 24059))

Signed at Washington, D.C. this 3rd day of April, 1980.

Eula Bingham,
Assistant Secretary of Labor.

[FR Doc. 80-12030 Filed 4-17-80; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****30 CFR Chapter VII****Determination of Completeness for Permanent Program Submission From the State of Kansas**

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed Rule—Determination of Completeness of Kansas Program Submission.

SUMMARY: On February 26, 1980, the State of Kansas submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announces the Regional Director's determination as to whether the Kansas program submission contains each required element specified in the permanent regulatory program regulations. The Regional Director has concluded a review and has determined the program submission is incomplete.

ADDRESSES: Written comments on the Kansas program and a summary of the public meeting are available for public review, 8 a.m.-4 p.m., Monday through Friday, excluding holidays at: Office of Surface Mining Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Bldg., 818 Grand Avenue, Kansas City, Missouri 64106.

Copies of the full text of the proposed Kansas program are available for review during regular business hours at the OSM regional office above and at the following offices of the state regulatory authority:

Mined Land Conservation and Reclamation Board, Legal Office, Mills Bldg., 109 W. 9th St., Suite 501, Topeka, Kansas 66612.

Mined Land Conservation and Reclamation Board, 107 W. 11th, Pittsburg, Kansas 66762.

FOR FURTHER INFORMATION CONTACT:

Richard Rieke, Assistant Regional Director, Office of Surface Mining Reclamation and Enforcement, Scarritt Bldg., 818 Grand Avenue, Kansas City, Missouri 64106, Telephone (816) 374-3920.

SUPPLEMENTARY INFORMATION: On February 26, 1980, OSM received a proposed permanent regulatory program from the State of Kansas. Pursuant to the provisions of 30 CFR Part 732, "Procedures and Criteria for Approval or Disapproval of State Program Submissions" (44 FR 15326-15328, March 13, 1979), the Regional Director, Region

IV, published notification of receipt of the program submission in the Federal Register of March 4, 1980, (45 FR 9123-9124), and in the following newspapers of general circulation within Kansas:

Topeka Capitol-Journal
Pittsburg Morning Sun

The March 4, 1980, notice set forth information concerning public participation pursuant to 30 CFR 732.11. This information included a summary of the program submission, announcement of a public review meeting on April 10, 1980, in Topeka, Kansas, to discuss the submission and its completeness, and announcement of a public comment period until April 10, 1980, for members of the public to submit written comments relating to the program and its completeness. Further information may be found in the permanent regulatory program regulations and Federal Register notice referenced above.

This notice is published pursuant to 30 CFR 732.11(b), and constitutes the Regional Director's decision on the completeness of the Kansas program. Having considered public comments, testimony presented at the public review meeting and all other relevant information, the Regional Director has determined that the Kansas submission does not fulfill the content requirements for program submissions under 30 CFR 731.14 and is therefore incomplete.

In accordance with 30 CFR 731.11(c) the Regional Director has determined that a section-by-section comparison of the Kansas laws and regulations with the Federal Act and regulations as required by 30 CFR 731.14(c) is missing from the proposed Kansas regulatory program.

The program submission does set out the respective laws and regulations in a side-by-side format, but does not include a complete explanation of the differences between the State and Federal provisions or a discussion of the legal effect of the differences as required by 30 CFR 731.14(c).

Kansas may submit appropriate additions to remedy the incomplete element identified by the completeness review and any other modifications of the proposed Kansas program until June 9, 1980. If the state fails to supply the missing element by that deadline, its program will be initially disapproved by the Secretary as set forth in 30 CFR 732.11(d). The Regional Director's determination that the proposed program is complete with respect to the remaining elements required by 30 CFR 731.14 does not mean that those elements are substantially adequate.

No later than June 13, 1980, the Regional Director will publish a notice in the Federal Register and in the following newspapers of general circulation in Kansas initiating substantive review of the program submission:

Topeka Capitol-Journal
Pittsburg Morning Sun

The review will include a formal public hearing and written comment period. Procedures will be detailed in that notice. Further information concerning how that substantive review will be conducted may be found in 30 CFR 732.12.

The Office of Surface Mining is not preparing an environmental impact statement with respect to the Kansas regulatory program, in accordance with Section 702(d) of SMCRA (30 USC Section 1292(d)) which states that approval of state programs shall not constitute a major action within the meaning of Section 102(2)(C) of the National Environmental Policy Act.

Dated: April 11, 1980.

Raymond L. Lowrie,
Regional Director.

[FR Doc. 80-11735 Filed 4-17-80; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[FRL 1465-7]

Proposed Revision of Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The purpose of this notice is to clarify the status of Maryland urban hydrocarbon and volatile organic compound (VOC) regulations with respect to the Maryland State Implementation Plan (SIP). This notice will serve to explain which regulations have been submitted and proposed as SIP revisions, which regulations should be withdrawn from further consideration as a SIP revision, which SIP regulations should be removed from the SIP, and which SIP regulations have not been amended and therefore should remain in the SIP.

In cases where EPA is proposing withdrawal of an approved SIP regulation or where EPA is proposing approval of amendments submitted by Maryland as a SIP revision, EPA is soliciting public comments on these proposed actions.

DATE: Comments on these proposed SIP revisions must be submitted on or before May 19, 1980.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: Mr. Harold Frankford.
Maryland Environmental Health Administration, Air Quality Programs, 201 W. Preston Street, Baltimore, Maryland 21201, Attn: Mr. George P. Ferreri.
Public Information Reference Unit (PIRU), Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M. Street, S.W. (Waterside Mall), Washington, DC 20460.

All comments on the proposed revision submitted on or before May 19, 1980, will be considered and should be directed to:

Mr. Howard Heim, Chief, Air Programs Branch (3AH10), Air, Toxics and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: AH022MD.

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford (3AH12), U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106; telephone number (215) 597-8392.

SUPPLEMENTARY INFORMATION: On January 31, 1972, the State of Maryland submitted to EPA, Maryland Regulations 10.03.38.04j and 10.03.39.04j, governing control of hydrocarbons and volatile organic compounds (VOC) in the Metropolitan Baltimore Intrastate Air Quality Control Region (AQCR) and the National Capital Interstate AQCR and requested that they be considered as part of the Maryland State Implementation Plan. These regulations were approved by the Administrator as part of the Maryland SIP on May 31, 1972, 37 Fed. Reg. 10842. Subsequent amendments to these regulations, currently designated at 10.18.04 (Metropolitan Baltimore AQCR) and 10.18.05 (National Capital AQCR), were submitted on April 24, 1974, December 11, 1974, July 1, 1975, and February 10, 1977. On June 30, 1976, 41 Fed. Reg. 26902, and March 13, 1979, 44 Fed. Reg. 14555, the Administrator approved, with certain exceptions, those amendments submitted on or before July 1, 1975. Although most of the February 10, 1977 amendments have been proposed as a SIP revision, June 28, 1977, 42 Fed. Reg. 32811, EPA has not yet taken final action.

With regard to Maryland's submittal of April 24, 1974, the State requested that a new Section .06G of Maryland Regulations 10.03.38 and 10.03.39 (current designation: 10.18.04 and 10.18.05 respectively) be incorporated into the SIP. These regulations, designed to control emissions of photochemically reactive organic materials (PROM), replaced the provisions of Section .04j(3)c of Regulations 10.03.38 and 10.03.39. A subsequent amendment to Section .06G(2), pertaining to a limitation of PROM emissions from sources existing as of 1973, was submitted by Maryland to EPA on December 11, 1974. On March 13, 1979, 44 Fed. Reg. 14555, EPA approved the provisions of Section .06G of Maryland Regulations 10.18.04 and 10.18.05 as revisions of the Maryland SIP, and at the same time, deleted the provisions of former Section .04j(3)c of Regulations 10.03.38 and 10.03.39 from the SIP.

On January 19, 1979, Maryland submitted a nonattainment plan for ozone, required by Part D of the Clean Air Act. This plan amends many, but not all, of the current SIP-approved regulations, as well as other revisions of State regulations submitted by Maryland on February 10, 1977. Included in the January 19, 1979 amendments are substantially revised versions of Sections .06G(1) and .06G(3). On August 1, 1979, 44 Fed. Reg. 45194, EPA proposed these nonattainment SIP amendments as revisions of the Maryland SIP.

Because Maryland had substantially

revised Sections .06G(1) and .06G(3) prior to the Administrator's March 13, 1979 rulemaking, EPA believes that such final rulemaking action was in error. Further, it is now EPA's judgment that approval of Section .06G(2) of Maryland Regulations 10.18.04 and 10.18.05 was also in error, as questions about the enforceability of this provision have arisen. The State of Maryland has recognized this fact and on November 2, 1979, after formal notice and public hearings, deleted Section .06G(2) from Regulations 10.18.04 and 10.18.05, effective January 2, 1980. On December 10, 1979, Maryland requested that Section .06G(2) of Regulations 10.18.04 and 10.18.05 be withdrawn as part of the approved Maryland SIP.

On September 26, 1979, the State of Maryland additionally requested that certain provisions submitted with the January 19, 1979 submission be withdrawn from further consideration as a revision of the SIP. Maryland also stated that: 1) all approved provisions of Section .04j not amended by the Part D nonattainment plan as well as Sections .06G(4) and .06G(5) should remain as part of the SIP; and 2) all amendments to the SIP-approved regulations that were submitted on January 19, 1979, if approved by EPA, should supersede the current SIP version. Except as noted in the below-listed chart, the remaining provisions in Section .04j, .06G(4), and .06G(5) submitted prior to January 19, 1979 have been approved and shall remain as part of the federally-enforceable Maryland SIP. (See Chart).

Section	Description	Approved by EPA as part of SIP?	Current status
.04j(1)a	Definition of "Architectural Coating"	Yes	No change—will remain in SIP.
.04j(1)b	Definition of "Motor Vehicle Fuel"	Yes	Do.
.04j(1)c	Definition of "Organic Material"	Yes	Amendment submitted 1/19/79; Proposed by EPA 8/1/79.
.04j(1)d	Definition of "Organic Solvent"	Yes	Do.
.04j(1)e	Definition of "Photochemically Reactive Organic Solvent"	Yes	1. Amendment submitted 1/19/79; Proposed by EPA 8/1/79; 2. Portion of .04j(1)(i) and all of .04j(1)(ii) have been withdrawn by Maryland.
.04j(1)f	Definition of "Reid Vapor Pressure"	Yes	Amendment submitted 1/19/79; proposed by EPA 8/1/79.
.04j(1)g	Definition of "True Vapor Pressure"	No	Do.
.04j(1)h	Definition of "Vapor Balance Line"	Yes	Do.
.04j(1)i	Definition of "Photochemically Reactive Organic Materials"	Yes	1. Amendment submitted 1/19/79; Proposed by EPA 8/1/79; 2. Portion of .04j(1)(e)(i) and all of .04j(1)(e)(ii) have been withdrawn by Maryland.
.04j(2)a,b	Organic Material—Control of Bulk Terminals	Yes	No change—will remain in SIP.
.04j(2)c,d	Organic Material—Tank Truck Transfer	Yes*	Do.
.04j(2)e(i)	Motor Vehicle Fuel—Vapor Recovery—Stage I	Yes*	Do.
.04j(2)e(ii)	Motor Vehicle Fuel—Vapor Recovery—Stage II	No	No change—Not part of SIP.
.04j(4)a-(4)(b)	Other photochemically reactive organic materials	No	Amendment submitted 1/19/79; proposed by EPA 8/1/79.
.04j(5)a-j	Exceptions for the source categories for which RACT documents have been published	No	Do.
.04j(3)a	Control of organic solvent coming into contact with flame	Yes	Amendment submitted 2/10/77; EPA proposes approval by this notice.
.04j(3)b	Control of photochemically reactive organic	Yes	Do.

Section	Description	Approved by EPA as part of SIP?	Current status
.04J(3)c	Emission testing—organic solvents	Yes	No change—will remain in SIP.
.04J(3)d	Control of Dry Cleaning Solvents	Yes*	Amendment submitted 1/19/79; proposed by EPA 8/1/79.
.04J(3)e	Exceptions	No	Disapproved 3/13/79; No revision has yet been submitted.
.04J(6)a-c	Architectural coatings	Yes	No change—will remain in SIP.
Former .04J(5)	Solvent Disposal	Yes	Deletion request submitted 1/19/79; proposed by EPA 8/1/79.
Current .04J(7)a-c	Organic Material Water Separators	Yes	No change—will remain in SIP.
.06G(1)	Control and prohibition of new sources of photochemically reactive organic materials	Yes	EPA proposes deletion of 4/24/74 version by this notice.
.06G(2)	Emissions freeze-existing sources of photochemically reactive organic materials	Yes	Deletion request submitted 12/10/79; EPA proposes deletion by this notice.
.06G(3)	Exemptions due to relocation or replacement	Yes	EPA proposes deletion of 4/24/74 version by this notice.
.06G(4), (5)	Mechanical requirements for equipment handling photochemically reactive organic material	Yes	No change—will remain in SIP.

* Supplemental Promulgation in 40 CFR Part 52.

The State has also informed EPA by letter of January 21, 1980, of its interpretation that "nothing in [Regulation] 10.18.04.04] is intended to regulate or limit emissions of organic materials from coke ovens, blast furnaces, open hearth, fuel burning equipment, or other similar operations which liberate hydrocarbons as a result of combustion of fuels. Hydrocarbon emissions from painting are not intended to be regulated by any regulatory provisions other than the limitations in .04J(6) on architectural coatings. The State does not deem antifouling paints to be architectural coatings. These regulations [10.18.04.04], however, do apply to coke oven by-product recovery plants. The regulations also apply to any other process or operation, including steel-making operations, which make use of hydrocarbons as a raw material or starting material to the process, where a portion of the material may be discharged to the air."

The amendments to Sections .04J(3)(a) and .04J(3)(b) of Maryland Regulations 10.18.04 and 10.18.05, submitted by Maryland on February 10, 1977, serve to clarify the language of the current SIP-approved regulation controlling emissions from organic solvents. The amendment would specify that the 85% control, currently required by the SIP, would apply to the discharge of organic solvents from any installation or building erected on or before May 12, 1972. Public hearings were held on October 6, 1976 in Baltimore.

In view of the above discussion, this notice announces the following EPA actions:

(1) Withdrawal from further consideration as revision of the Maryland SIP, that portion in Sections .04J(1)e(i) and .04J(1)i(i) of Maryland

Regulations 10.18.04 and 10.18.05, submitted January 19, 1979, which reads "until January 1, 1983."

(2) Withdrawal from further consideration as a revision of the Maryland SIP, Sections .04J(1)e(ii) and .04J(1)i(ii) of Maryland Regulations 10.18.04 and 10.18.05, submitted January 19, 1979.

(3) Proposed approval as a revision of the Maryland SIP of amendments to Sections .04J(3)a and .04J(3)b of Maryland Regulations 10.18.04 and 10.18.05, submitted February 10, 1977.

(4) Proposed withdrawal from the Maryland SIP, retroactively effective March 13, 1979, of Sections .06G(1), .06G(2) and .06G(3) of Maryland Regulations 10.18.04 and 10.18.05, submitted on April 24, 1974 and December 11, 1974.

(5) Proposed approval of the State of Maryland's interpretations of the scope of coverage of the regulations. Cited herein from the State's January 21, 1980 letter to EPA.

Based on the foregoing, it is the tentative decision of the Administrator to approve the proposed revisions of the Maryland State Implementation Plan.

The public is invited to submit to the address stated above, comments on whether the regulation changes should be approved as a revision of the Maryland State Implementation Plan.

The Administrator's decision to approve or disapprove these revisions will be based on the comments received and on a determination whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and submittal of Implementation Plans.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the

procedural requirement of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Authority: 42 U.S.C. ss7401-642.

Dated: March 6, 1980.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 80-12066 Filed 4-17-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 162

[OPP-30035; FRL 1466-3]

Reregistration of Pesticides

AGENCY: Environmental Protection Agency (EPA or Agency), Office of Pesticide Programs.

ACTION: Request for information and comments.

SUMMARY: The EPA has begun to prepare registration standards for fifty-five pesticide chemicals. Each standard will document the Agency's decision concerning whether, and under what terms, new or previously registered pesticide products containing one of the chemicals may be registered or reregistered.

This notice discusses general provisions under which the public may submit data to supplement the information which the Agency gathers to support its regulatory decisions. This notice also identifies the fifty-five chemicals, invites interested persons to examine the bibliographies which the Agency has compiled and provide the Agency with pertinent data which are not cited in the bibliography. The Agency also seeks comments on its provisions for submission of data by members of the general public.

DATE: Responses to this notice should be submitted by May 19, 1980.

ADDRESS: Send responses to the Document Control Officer, Office of Pesticides and Toxic Substances, Chemical Information Division (TS-793), Room 447-E, 401 M St. S.W., Washington, D.C. 20460. All written responses should bear the identifying notation OPP-30035. In determining whether to release to the public any information submitted in response to this notice, the EPA will act in accordance with the standards and procedures in 40 CFR Part 2 and EPA's Notice of Interim Procedures for disclosure of information subject to

FIFRA § 10 (see 43 FR 59060, December 19, 1978). All responses which the Agency may release to the public will be available for public inspection in Room E-401, Waterside Mall, East Tower, 401 M St. S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. John Bowser, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, EPA, 401 M St. S.W., Washington, D.C. 20460, (703) 557-7973.

SUPPLEMENTARY INFORMATION: This notice identifies the first set of pesticide active ingredients which the Agency will consider for reregistration. It also describes information which would be useful to the Agency in its decisionmaking process. The Agency requests that persons who may possess such information follow the procedures described below for determining whether and if so, how they should submit such information to the Agency.

I. The Reregistration Program

The Agency instituted the reregistration program to comply with the Federal Insecticide, Fungicide, and Rodenticide Act as amended, which requires the Agency to reexamine previously registered pesticide products and reregister those which continue to meet current standards for registration. The reregistration program incorporates the registration standards system, the Agency's proposed new approach to the regulation of pesticides. (For a detailed discussion, see Registration Standards for the Registration of Pesticides (44 FR 76311, December 26, 1979).) The registration standards system involves making regulatory decisions for classes of pesticide products rather than individual products. Generally, a registration standard will state the Agency's regulatory decision for all pesticide products containing a particular active ingredient.

When the Agency decides to prepare a registration standard for a particular active ingredient, it begins a data-gathering phase to collect information which might help the Agency reach its regulatory decision. Approximately every six months, the Agency will publish a **Federal Register** notice like this one, identifying pesticides which have entered or are about to enter the data-gathering phase, and explaining how members of the public may submit data to supplement information gathered by the Agency.

II. Information Sought by the Agency

When the Agency completes its search for information on a particular active ingredient, it prepares a bibliography listing all the documents it

was able to identify as pertinent to the standard. The Agency then makes copies of the bibliography available upon request. Interested parties are invited to examine the bibliography and contact the Agency if any pertinent information is not included. In addition, the Agency sends a bibliography to anyone who has registered a pesticide product which contains the pesticide chemical for which the standard is being prepared. The bibliography will indicate all materials in the Agency's files which were marked as having been sent by the registrant. The registrant will be requested to examine the bibliography and submit any pertinent information in its possession which was not listed.

Pertinent information includes factual information concerning: a lack or diminishment of efficacy; the efficacy of the pesticide in public health uses; the toxicity of the pesticide to humans and other non-target organisms; the fate and movement of the pesticide in the environment; residues of the pesticide in food; and patterns of exposure of humans and other non-target organisms to the pesticide or its residues. Since the way a pesticide is used is a major factor in determining whether it causes unreasonable adverse effects, the Agency wishes to examine information which can lead to a better understanding of how the pesticide is used in actual practice. The Agency seeks information concerning: seasonal or geographical trends of use; indications of the relative amount of pesticide for each of the registered uses of the pesticide; equipment commonly used for application; and use-related exposure situations involving the general public, applicators, field workers, or non-target organisms. The Agency also seeks information concerning the degree to which existing label precautions function as an effective device to control adverse effects.

EPA encourages respondents to this request to submit reports of research in progress, results of unpublished research or observations, and any other factual information which may be pertinent to a decision on the registration of the pesticides listed below.

III. Information Submissions

Before submitting information to supplement the Agency's collection of information, respondents to this notice should examine the appropriate bibliography to determine whether or not the Agency has already obtained the information. This step will save the Agency the expense of processing duplicate copies of documents and will

save respondents the time and expense involved in sending material which the Agency already possesses.

Bibliographies are now available for chemicals with case numbers 2 thru 26 (case numbers are included in the list of chemicals at the end of this document). The Agency has not yet completed bibliographies for the other chemicals. Anyone who wishes to receive a copy of a bibliography should request it from the Special Pesticide Review Division at the address listed above. (When requesting a bibliography please specify whether you prefer paper copy or microfiche.) The Agency will send completed bibliographies as soon as it receives requests. Requests for bibliographies which have not yet been completed will be accepted at any time and honored as soon as the bibliographies are available.

Each submitted document should include a cover sheet listing the title, author, and date of the document and the EPA case number assigned to the pesticide chemical. Collections of reports or studies should not be submitted under a single cover sheet; each one should be treated as a separate document.

For the purpose of determining whether the data are potentially compensable under § 3(c)(1)(D)(ii) of FIFRA, data submitted in response to this notice by an applicant or registrant will be considered "data submitted to support an application for registration" or "to support or maintain in effect an existing registration, or for reregistration." Whether such data are compensable in future registration actions will depend on whether the other conditions established by the statute and EPA's data compensation regulations are satisfied. (See 40 CFR 162.9-1 through -8; 44 FR 27945; May 11, 1979.)

Any person who submits data in response to this notice may identify any item of data which he claims to be "trade secret or privileged and confidential commercial or financial information" at the time he submits it, and mark it as provided in 40 CFR 2.203(b). The Agency may, at its discretion, disclose without further notice to the submitter any item of data which is not so marked. Disclosure of information for which a claim of confidentiality has been made will be handled according to the standards and procedures in 40 CFR Part 2 and EPA's Notice of Interim Procedures for disclosure of information subject to FIFRA § 10. (See 43 FR 59060, December 19, 1978.) Data submitters are reminded that FIFRA § 10(d)(1) provides that the following kinds of information shall be available for disclosure:

All information concerning the objectives, methodology, results, or significance of any test or experiment performed on or with a registered or previously registered pesticide or its separate ingredients, impurities, or degradation products, and any information concerning the effects of such pesticide on any organism or the behavior of such pesticide in the environment, including but not limited to, data on safety to fish and wildlife, humans and other mammals, plants, animals, and soil, and studies on persistence, translocation and fate in the environment, and metabolism. . . .

Finally, the Agency requests that the submitter provide a synopsis or summary, suitable for immediate disclosure to the public, of any information which the submitter claims is confidential.

IV. Agency Consideration of Information

The manner in which the Agency will consider information submitted for inclusion in a standard will be affected by when during the standard building process, the Agency receives the information. All information received during the data gathering phase of the process will be given full consideration. Once the Agency has begun to review the data however, it becomes more expensive in terms of both time and resources to incorporate newly submitted information. All submissions arriving after the initiation of data review will be examined to determine whether they contain information which seems to be sufficiently important to justify their inclusion in the standard. Submissions which are not included in the standard will be retained for incorporation when the standard is revised or updated. The Agency seeks comments on these provisions for submission and incorporation of data.

The Agency intends to make bibliographies available sufficiently early during the standard building process that interested persons may submit supplemental information before the data review phase begins. For some of the chemicals listed in this notice, however, the Agency will not be able to follow the normal procedure. The data review phase is already underway for chemicals with case numbers 0002 through 0020. The Agency encourages submission of supplemental information for these chemicals, but it cannot ensure that all information submitted in relation to these chemicals will be incorporated immediately. Information not incorporated immediately will be retained for consideration when the Agency revises the standard.

V. Offers to Participate in the Decisionmaking Process

The registration standards process includes provisions for all interested persons to monitor the Agency's decisionmaking process and to participate in the process at key points. For every registration standard, the public will be given an opportunity to comment. This notice announces the initial opportunity for comment on the pesticides listed below.

VI. Pesticides Under Consideration for Reregistration

The Agency is seeking information concerning the following pesticides:

- 0042 acephate (0,0-Dimethyl acetylphosphorothioate)
- 0025 aluminum phosphide
- 0015 4-Aminopyridine
- 0016 ammonium sulfamate
- 0019 Aspon*, NPD* (0,0,0,0-Tetrapropyl dithiopyrophosphate)
- 0013 bifentox (Methyl 5-(2,4-dichlorophenoxy)-2-nitrobenzoate)
- 0024 boric acid & salts (includes: boric acid; borax; disodium octaborate tetrahydrate; sodium metaborate; sodium perborate)
- 0041 bromacil & salts (5-Bromo-3-sec-butyl-6-methyluracil) (includes: lithium, sodium, and dimethylamine salts of bromacil)
- 0012 carboxin (5,6-Dihydro-2-methyl-1,4-oxathin-3-carboxanilide)
- 0033 CDEC (2-Chloroallyl diethyldithiocarbamate)
- 0051 chlorobromuron (3-(4-Bromo-3-chlorophenyl)-1-methoxy-1-methylurea)
- 0007 Chloroneb (1,5-Dichloro-2,5-dimethoxy benzene)
- 0040 chloropicrin (Trichloronitromethane)
- 0048 chloroxuron (3-(p-(Chlorophenoxy)phenyl)-1,1-dimethylurea)
- 0018 coumaphos (0,0-Diethyl 0-(3-chloro-4-methyl-2-oxo-2H-1-benzopyron-7-yl) phosphorothioate)
- 0038 cycloheximide (3-[2-(3,5-Dimethyl-2-oxocyclohexyl)-2-hydroxyethyl]glutarimide)
- 0032 daminozide (Butanedioic acid mono (2,2-dimethylhydrazide))
- 0002 deet (N,N-Diethyl-meta-toluamide, and other isomers)
- 0010 dialifor (0,0-Diethyl S-(2-chloro-1-phthalimidoethyl)phosphorodithioate)
- 0008 dichlorone (2,3-Dichloro-1,4-naphthoquinone)
- 0021 dicofol (1,1-Bis(chlorophenyl)-2,2,2-trichloroethanol)
- 0035 dicrotophos (Dimethyl phosphate ester with 3-hydroxy-N,N-dimethyl-ciscrotonamide)
- 0046 diuron (3-(3,4-Dichlorophenyl)-1,1-dimethylurea)
- 0014 endosulfan (Hexachlorocyclohexahydro-2,4,3-benzodioxathiepin 3-oxide)
- 0020 2-Ethyl-1,3-hexanediol
- 0003 ethoxyquin (6-Ethoxy-1,2-dihydro-2,2,4-trimethylquinoline)
- 0049 fluometuron (1,1-Dimethyl-3-(alpha, alpha, alpha-trifluoro-m-tolyl)urea)

*Denotes trade name or proprietary name.

- 0004 fumarin (3-[alpha-Acetonylfurfuryl]-4-hydroxycoumarin) (includes: fumarin and sodium salt of fumarin)
- 0029 hypochlorites (includes: calcium, lithium, and sodium hypochlorites)
- 0005 isopropalin (2,6-Dinitro-N,N-dipropylcumidine)
- 0056 karbutilate (tert-Butylcarbamic acid, ester with 3-(m-hydroxyphenyl)-1,1-dimethyl-urea)
- 0047 linuron (3-(3,4-Dichlorophenyl)-1-methoxy-1-methylurea)
- 0017 MCPA (2-Methyl-4-chlorophenoxyacetic acid) (includes: MCPA; sodium, potassium, ethanolamine, diethanolamine, triethanolamine, isopropanolamine, diisopropanolamine, trisopropanolamine, and dimethylamine salts of MCPA; butoxyethyl, butyl, isobutyl, isooctyl, and isopropyl esters of MCPA)
- 0043 methamidophos (0,0-Dimethyl phosphoroamidothioate)
- 0034 methidathion (0,0-Dimethyl-S-2-methoxy-1,3,4-thiadiazol-5(4H)-onyl-4-methyl-dithiophosphate)
- 0028 methomyl (S-Methyl N-((methylcarbamoyl)oxy)thioacetimidate)
- 0030 methoprene (Isopropyl (E,E)-11-methoxy-3,7,11-tremethyl-2,4-dodecadienoate)
- 0050 metobromuron (3-(p-Bromophenyl)-1-methoxy-1-methylurea)
- 0045 monuron (3-(p-Chlorophenyl)-1,1-dimethylurea) (includes: monuron and monuron trichloracetate)
- 0022 naphthalene
- 0023 naphthaleneacetic acid (includes: 1-Naphthaleneacetamide; naphthaleneacetic acid; potassium, ammonium, and sodium salts of 1-Naphthaleneacetic acid; ammonium salt of 2-Naphthaleneacetic acid; ethyl ester of 1-Naphthaleneacetic acid; 2-Methyl-1-naphthaleneacetamide)
- 0052 neburon (1-Butyl-3-(3,4-dichlorophenyl)-1-methylurea)
- 0055 norea (3-Hexahydro-4,7-methanoindan-5-yl)-1,1-dimethylurea)
- 0044 OBPA (includes: 10,10'-Oxybisphenoxarsine, 10,10'-Oxybisphenarsazine, phenarsazine chloride)
- 0027 phoselone (S-(6-Chloro-3-(mercaptomethyl)-2-benzoxasolinone)-O,O-diethyl phosphorodithioate)
- 0037 potassium azide
- 0053 siduron (1-(2-Methylcyclohexyl)-3-phenylurea)
- 0036 sodium azide
- 0031 sulphur
- 0054 tebuthiuron (N-5-(1,1-Dimethylethyl)-1,3,4-thiadiazol-2-yl)-N,N'-dimethylurea)
- 0006 temephos (O,O'-(Thiodi-4,1-phenylene)bis(O,O'-dimethyl)phosphorodithioate)
- 0039 terbacil (3-tert-Butyl-5-chloro-6-methyluracil)
- 0009 terrazole (5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole)
- 0011 warfarin (3-alpha-Acetonylbenzyl)-4-hydroxycoumarin) (includes: warfarin and sodium salt of warfarin)
- 0026 zinc phosphide

(Section 3 of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended 7 U.S.C. 136 et seq.)

Dated: April 11, 1980.

Note.—The mention of trade or proprietary names does not imply an endorsement by the U.S. Environmental Protection Agency or any other Federal Agency.

Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-12161 Filed 4-17-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 163

[OPP-30023B; FRL-1370-6]

Pesticide Programs

Guidelines for Registering Pesticides in the United States; Proposed Good Laboratory Practice Guidelines for Toxicology Testing

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice proposes two additional sections for Subpart F, Hazard Evaluation: Humans and Domestic Animals, of the proposed pesticide registration guidelines. The two sections would establish "good laboratory practices" (GLP) requirements, which in turn would establish standards governing testing necessary to produce data required to register a pesticide product. These requirements are intended to improve the quality of data submitted to EPA. The GLP requirements, which are proposed as part of the pesticide registration guidelines, are largely taken from a rule issued under the Toxic Substances Control Act (TSCA). That rule proposed to establish the same "Good Laboratory Practices" requirements for testing (44 FR 27362; May 9, 1979). The Agency intends that the testing requirements under TSCA and the pesticide registration guidelines be as consistent as possible.

DATE: Written comments concerning these proposed rules must be received before June 17, 1980. Such comments should be designated with the symbol "OPP-30023B".

ADDRESS: Interested people are invited to submit written comments to: Document Control Officer, Office of Pesticides and Toxic Substances (TS-793), Chemical Information Division, Room 447 East Tower, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; Attention: Pesticides.

AVAILABILITY OF SUPPORT DOCUMENTS AND COMMENTS: The support documents mentioned in this notice and all written comments received under this notice and in response to the TSCA proposal

are available for public inspection in Room 447, East Tower, 401 M Street, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: William H. Preston, Jr. (TS-769), Hazard Evaluation Div., Office of Pesticide Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460. Telephone (703) 557-1405.

SUPPLEMENTARY INFORMATION: The Federal Insecticide, Fungicide and Rodenticide Act as amended (FIFRA) (7 U.S.C. § 136 et seq.) requires that a pesticide product be registered by the Environmental Protection Agency (EPA or Agency) before it may be introduced into commerce. The Agency decides whether or not to register the pesticide product based on an application for registration. This application must include certain information. The Agency is required by FIFRA § 3(c)(2)(A) to "publish guidelines specifying the kinds of information which will be required to support the registration of a pesticide."

The Agency believes that the guidelines and standards for Part 163, Subpart F of FIFRA, and the comparable requirements under TSCA should be consistent to the fullest extent possible. This preamble summarizes the current state of development of these requirements and explains the organization of the requirements reflected in proposed §§ 163.80-6 and -7.

Pursuant to FIFRA § 3(c)(2), EPA published proposed guidelines (40 FR 37336; August 22, 1978) which would require applicants to provide EPA with data to be used in evaluating hazards to humans arising from the use of a pesticide product. These particular guidelines have been designated Subpart F of Part 163. Subpart F contains a general provisions section (§ 163.80-3) and a data reporting section (§ 163.80-4), both of which apply to all specific health effects test and data requirements found in Subpart F. Among the subjects addressed by the general provisions section are personnel requirements, animal care and selection, and procedures for necropsy and histological examination. Specific health effects test standards are designed to generate data which will enable the Administrator to evaluate the mutagenic, oncogenic, and other potential health hazards resulting from exposure to a pesticide product. These new proposed test standards (§§ 163.80-6 and -7) may contain requirements that either supplant or supplement the original requirements found in either the general provisions or data reporting sections of Subpart F.

These proposed guidelines, coupled with the proposed §§ 163.80-3 and -4, are patterned almost exactly after the final regulations on good laboratory practice (43 FR 59986; December 22, 1978) promulgated under the Federal Food, Drug, and Cosmetic Act ("FFDCA") by the Food and Drug Administration ("FDA") of the U.S. Department of Health, Education, and Welfare. The relatively minor differences between the FIFRA proposed guidelines on GLP and the FDA regulations are described in paragraph III of this preamble.

Under TSCA § 4, EPA has proposed standards for development of test data (44 FR 27334; May 9, 1979). Included in these standards is proposed 40 CFR Part 772.110-1, entitled "Good Laboratory Practice (GLP) Standards for Health Effects," which would apply to all animal bioassay laboratory health effects studies conducted under § 4 of TSCA. These GLP standards provide the basic operating requirements to be met by laboratories that are generating toxicity data to meet the requirements of TSCA. In addition, more specific GLP standards may apply to specific test methods, e.g., chronic health effects (proposed 40 CFR Part 772.113-1). For some specific health effects tests, the proposed general GLP standards may be inadequate to ensure that reliable data are generated. Therefore, individual test standards may, when necessary, establish still more specific GLP requirements similar to but more detailed than the general GLP requirements. Finally, chemical-specific test rules pertaining to particular chemicals may also contain more specific GLP standards than are found in either the general GLP standards or the specific health effects test standards for TSCA test rules.

Prior to this notice, the Administrator had not proposed specifically-designated GLP standards for the Subpart F guidelines of FIFRA. The general provisions section (§ 163.80-3) and data reporting section (§ 163.80-4) of Subpart F, however, contain standards that resemble the GLP standards proposed for TSCA and those promulgated under FFDCA. A few comparable sections of the FIFRA guidelines differ slightly in content and detail from the TSCA standards and FFDCA regulations. (These differences are identified and discussed later in this preamble.)

Since it is possible that one chemical substance may be subject to the simultaneous jurisdiction of FIFRA, TSCA, and FFDCA, procedures for testing a single chemical might have to

be in compliance with different laboratory test standards under the three Acts. Also, a single laboratory might have to test different chemicals under the same general study (e.g., teratogenicity) according to three different requirements or standards to meet the requirements of the three Acts. This situation would be inconsistent with Agency policy to reduce the burden on the regulated public which might arise from conflicting requirements under these different sets of standards; testing for all chemicals should be as consistent as possible. The Agency therefore proposes that the FIFRA Subpart F guidelines be revised to include the TSCA proposed General GLP Standards for Human Health Effects (proposed 40 CFR 772.110-1) and the FFDCA standards to the extent that the TSCA and FFDCA GLP standards serve the purposes of FIFRA.

In proposing to add general GLP standards requirements to Subpart F of the FIFRA guidelines, the Agency incorporates by reference, and expressly relies on, the TSCA preamble discussion concerning the need for and benefits of GLP standards (44 FR 27363; May 9, 1979). The TSCA preamble describes in detail what led EPA and other agencies to become concerned with the problem of unreliable test data. The TSCA preamble also discusses the strengths and weaknesses of the various alternatives which have been considered for correcting the problem including: (1) licensing or certification of laboratories, (2) a voluntary standard-setting scheme handled by the private sector, and (3) promulgation of good laboratory practice standards that regulate testing procedures. Finally, the TSCA preamble discusses the purpose of the individual provisions of the general GLP standards.

I. Organization of Proposal and Relationship to Earlier Proposals

In this notice, EPA proposes two new sections, § 163.80-6 Additional General Provisions, and § 163.80-7 Record Retention and Additional Reporting Requirements. They will directly complement existing proposed § 163.80-3 General Provisions, and § 163.80-4 Data Reporting, respectively. These two new sections will contain the TSCA general GLP standards (proposed 40 CFR 772.110-1) not already contained in the applicable sections of the FIFRA guidelines, i.e., proposed §§ 163.80-4, 163.40-4, and 163.40-5. TSCA GLP standards which are incompatible with FIFRA are omitted or modified as necessary; these differences are

discussed in Part II of the preamble. Ultimately the two sections proposed here will be reorganized and consolidated with the previously proposed sections dealing with the same subject matter.

The Agency recognizes that proposed §§ 163.80-6 and 163.80-7 contain provisions which conflict with provisions of § 163.40-5 in Subpart B (43 FR 29706; July 10, 1978). Subpart B "Introduction to the Guidelines" applies to all health effects test standards of Subpart F. Specifically, § 163.40-5 of Subpart B contains requirements concerning the retention and submission of raw data, specimens, and samples of test substances. The Agency feels it is more appropriate to tailor the GLP standards, and particularly the data retention requirements as embodied in § 163.40-5 at Subpart B, to the unique needs of each subpart. Accordingly, EPA intends to revise Subpart B to be consistent with this proposal when the proposed Subpart B guidelines are issued as final rules.

II. Differences Between the TSCA and FIFRA GLP Proposals

As noted earlier, certain provisions of the earlier proposal of Subpart F conflict with the recently proposed TSCA general GLP standards. The proposed TSCA general GLP standards are based largely on the final Good Laboratory Practice regulations issued by the Food and Drug Administration. (See 43 FR 59986; December 22, 1978.) The TSCA general GLP standards proposal and the final FFDCA GLP regulations are not identical in every respect. Those differences are identified and discussed in the preamble to the TSCA proposal at 44 FR 27365-27367. EPA also invited comment on those differences. Comments are also invited to address whether different requirements should be established for FDA and EPA, and if not, whether the FFDCA GLP regulations, the TSCA general GLP standards, or the FIFRA guidelines should be selected. The differences are identified below and comment is invited on whether different standards should be imposed under TSCA and FIFRA, and, if not, whether the TSCA or FIFRA proposal should be adopted in the final guidelines.

The following are the principal differences between the TSCA general GLP standards and the previously-proposed provisions of Subpart F:

1. *Characterization of test substance.* The FIFRA guidelines, § 163.80-3(b)(2)(i)-(iii), would establish basically the same specific provisions concerning

the characterization of the test substance as do the TSCA general GLP standards. [See proposed 40 CFR § 772.110-1(b)(1).] However, it should be pointed out that the individual TSCA test rules for each chemical will provide equivalent or more detailed requirements concerning characterization, compared to the FIFRA general requirement.

2. *Chemical analysis of mixtures.* The FIFRA guidelines, at § 163.80-3(b)(2)(vi), in comparison to the TSCA general GLP standards, would contain slightly different requirements concerning the analysis of mixtures containing test or control substances and a carrier. FIFRA would require analysis to verify homogeneity and stability at monthly intervals, and TSCA would require the same "periodically". [See proposed 40 CFR § 772.110-1(b)(3)(i).]

3. *Quality assurance unit.* The FIFRA guidelines § 163.80-3(b)(12), would provide slightly more flexibility than the TSCA general GLP standards in the design of a quality assurance unit. Use of a quality assurance unit or "some other equivalent system of quality control" was included. However, language has been provided in § 163.80-6(c)(4) which is identical to that in the TSCA standard. [See proposed 40 CFR § 772.110-1(b)(4)(i).]

4. *Record and sample retention.* Proposed § 163.80-7(c)(2) provides that raw data, specimens, samples of the test substances, and other records must be retained for as long as there is an active application or registration for the pesticide to which the records relate. This provision corresponds to the provisions in the proposed Subpart B guidelines, which contained the same requirement. [See proposed 40 CFR § 163.40-5(b)(2); 43 FR 29707; July 10, 1978.] It conflicts with the proposed TSCA general GLP standards, which would provide for a 10-year retention period. [See proposed 40 CFR § 772.110-1(j)(3)(ii).]

5. *Availability of records.* The FIFRA guidelines, proposed 40 CFR § 163.40-5(c) and (d), would require that retained records be made available to the Agency on request. Failure or refusal to make records available would result in possible denial or cancellation of the registration(s) which are supported by the data. The proposed TSCA general GLP standards contain slightly different provisions: the TSCA GLPs require the testing facility to allow EPA to inspect its records, and refusal to permit inspection could be grounds for rejecting the data for purposes of satisfying data requirements imposed under TSCA § 4.

6. *Inspection of test facilities.* The FIFRA Subpart F guidelines do not specifically contain the authority of laboratory inspection that is provided in the TSCA proposed rules [§ 772.110-1(k)]. The inspection authority will be spelled out in Subpart B of the FIFRA guidelines, so that the rule may apply to more than just those labs performing toxicology test work.

III. Differences Between the FDA/FFDCA GLP Regulations and the EPA/FIFRA GLP Guidelines

Differences between the Federal Food, Drug, and Cosmetic Act (FFDCA) GLP regulations and the FIFRA proposed GLP guidelines are limited to the following paragraphs in both documents:

1. *Sponsor.* The two agencies have their own way of saying who is a sponsor. For FDA, a sponsor is: "(1) a person who initiates and supports, by provision of financial or other resources, a nonclinical laboratory study; (2) A person who submits a nonclinical study to the Food and Drug Administration in support of an application for research or marketing permit; or (3) A testing facility, if it both initiates and actively conducts the study" (43 FR 60014). And EPA defines sponsor this way: "'Sponsor' means the registrant or applicant for registration of a pesticide product for which data are required and who conducts and/or causes to be conducted health and environmental effects studies to produce the data required by FIFRA guidelines and/or submits to EPA data developed in accordance with these guidelines" [§ 163.80-6(a)(3)(vii)].

In connection with the Agency's use of the term "sponsor," the requirements for a "sponsor-approved" protocol and the identification of the "sponsor's project manager" [§ 163.80-6(g)(1)(i)] also differ from the FFDCA requirements. Comments are invited on the value of the FIFRA requirements related to the sponsor.

2. *Raw data.* Both agencies define raw data to be the material evidence necessary to reconstruct and evaluate the report of a study. EPA however, includes "correspondence relating to the planning, conduct, and interpretation of the study" [§ 163.80-6(a)(3)(v)] in its definition of raw data, a requirement not present in the FDA definition.

3. *Purpose of protective clothing.* FDA says that appropriate clothing in the laboratory is necessary "to prevent microbiological, radiological, or chemical contamination of test systems and test control articles" (43 FR 60015). EPA agrees with this necessity, but also sees protective clothing as a way "to offer as much protection as possible to

the worker" [§ 163.80-6(c)(1)(v)], although this latter statement implies, to some extent, a requirement that might more appropriately be addressed by another agency, the Occupational Safety and Health Administration of the Department of Labor.

4. *Safeguarding integrity of data.* Both FDA and EPA agree that, with the exception of data generated by a computer, all other data must be recorded immediately in permanent non-erasable ink and signed or initialed by the person entering the data. EPA goes one step beyond this precautionary measure by its demand that the entering of data be "co-signed by a co-worker who is knowledgeable of the work performed" [§ 163.80-6(g)(2)(v)]. The Agency would especially invite comments as to whether this requirement would be useful, burdensome, or unnecessary, in light of the requirement that the study director would actually be responsible to implement procedures adequate to insure proper data collection.

5. *Keeping study records in archives.* EPA has said that raw data, specimens, samples of the test substances, and any other records directly relating to the conduct of a study be kept in the testing laboratory's or sponsor's archives for as long as there is an active application or registration for the pesticide responsible for the generation of data [§ 163.80-7(c)(2)]. With various exceptions on new drugs and special kinds of investigations, FDA requires that testing data be retained in the archives for a period of 2 to 5 years (43 FR 60019).

In connection with the storage and retrieval of records, two additional differences exist: EPA additionally requires (a) that "tissue blocks be separated from specimen slides by a fire-resistant barrier" [see § 163.80-7(b)(2)], and (b) that persons who enter the archive area sign in and out, and identify records removed and returned [see § 163.80-7(b)(4)]. The Agency welcomes public comment on these additional requirements.

6. *Archived data for organizations that go out of business.* EPA and FDA agree that, in the event that a testing facility goes out of business, all raw data and documentation by that organization should be placed with the archives of the sponsor of the study. Both agencies also agree that the failing organization has to notify in writing EPA or FDA about such a transfer. At this point, EPA has extended a similar requirement to facilities that change ownership or management, to safeguard the archived data [§ 163.80-7(c)(7)(ii)].

IV. Additional Differences Regarding Animal Care and Housing

The FIFRA guidelines differ from both the TSCA and FFDCA documents in minor language providing greater emphasis on certain aspects of animal care and housing, as reflected in § 163.80-6(f)(3). These differences are the result of formal recommendations made by the FIFRA Scientific Advisory Panel, following their review of the draft document on July 19-20, 1979. See Addendum II for their complete statements, and Agency responses to each. Briefly, their comments covered the following four subjects: (1) there should ordinarily always be separate housing for different animal species; (2) caution should be exercised in using animals that have been treated for disease problems; (3) bedding should not be used for test animals except under situations where it is absolutely necessary for conduct of the test; and (4) use of cleaning and pest control materials should be avoided around or on test animals to the extent possible. While current language in the TSCA and FFDCA documents addresses these requirements, each is expanded in the FIFRA document by language specifically recommended by the Panel.

V. Retention of Test Records, Samples, and Procedures

The Agency is particularly concerned about the quantity (bulk) of data that would be accumulated and archived for as long as "each (registration) application with which they are associated is denied or until each registration with which they are associated is cancelled" [§ 163.80-7(c)(2)]. Obviously, microfilming of such data is often appropriate at some point to reduce the bulk of such data, but designating this point is a problem. Arguments within the Agency have supported retaining the original data for as little as 3 years and as long as 10 years before retention of only a microfilm copy would be acceptable. The Agency requests public comment on the length of time original records should be held before being discarded following microfilming.

The Food and Drug Administration is currently considering deletion of their current requirement for retention of a "reserve sample of each test or control carrier substance mixture" used in studies of more than 4 weeks duration. [See FFDCA Part 58 Subpart F § 58.105(d) (43 FR 60017; Dec. 22, 1978)]. The reason for this prospective deletion is that, after consideration of public comment, the requirement appeared to be excessively burdensome in an area

where likelihood of Agency inspection and use of such samples would be exceptionally rare and often of little value. While the FIFRA requirement [§ 163.80-6(b)(3)(i)] is now patterned after the FFDCA requirement, EPA is inviting comment from the public regarding the value of retaining or deleting the requirement.

In connection with the requirement of § 163.80-6(f)(1)(iv), the maintenance of a historical file of standard operating procedures would officially begin on the date that these guidelines become final and legally effective. However, the Agency recommends that current accumulated records of standard operating procedures not be destroyed.

VI. Other Efforts To Harmonize TSCA and FIFRA Testing Requirements

This notice is the second recent notice concerning FIFRA Subpart F guidelines. These two notices are intended to invite public comment on the effort to achieve consistency between the testing requirements under FIFRA and TSCA. The first notice (44 FR 55213, Sept. 25, 1979) reopened the comment period on the proposed Subpart F guidelines (43 FR 37336, Aug. 22, 1978). It requested comments in two major areas: (1) comparison of FIFRA/TSCA test standards governing the performance of oncogenic and non-oncogenic chronic effects studies contained in the proposed pesticide guidelines for human hazard evaluation and in the comparable test standards proposed under TSCA (44 FR 27334; May 9, 1979); and (2) selected issues concerning other portions of the proposed Subpart F guidelines. Agency scientists have been considering whether the proposed FIFRA testing methodologies for tests other than the oncogenicity and chronic dosing studies would be appropriate as TSCA test standards. In several instances these scientists identified aspects of the proposed FIFRA testing methodologies which could, under certain circumstances, fit the needs of the TSCA test standards. These aspects are identified in the notice. Comments are requested on whether the proposed pesticide guidelines should be revised to include any of the methodology changes being considered for the TSCA test standards.

VII. Regulatory Impact Analysis

Although individual sections of the guidelines may not be "significant" regulations under Executive Order 12044, EPA has decided to pursue the following procedure because of its concern over the total impacts of the guidelines. EPA published an economic impact analysis of the proposed

guidelines as they existed in mid-1978 (43 FR 39644, Sept. 6, 1978). As sections are repropounded or promulgated, or as new sections are proposed, EPA will estimate or revise its estimates of the costs for the relevant sections of the guidelines. The costs for these sections would be set into the context of the cost of the overall guidelines. Reference would be made to the economic impact of the total guidelines by summarizing the impacts estimated in the 1978 analysis. Once a significant proportion of the guidelines has either been repropounded or promulgated, EPA will revise the economic analysis to reflect those changes. EPA will make at least one further revision, once the guidelines are substantially complete.

A paper entitled "Coast Analysis of FIFRA Good Laboratory Practices" contains the cost and context information for the FIFRA good laboratory practices (GLP) proposal. That information is summarized here.

A total of 381 laboratories have submitted testing data in support of pesticide registrations. About 200, at the most, are assumed to be currently engaged in testing subject to Subpart F (Hazard Evaluation: Humans and Domestic Animals), and consequently subject to these GLP requirements. Of these, 65% have submitted data to FDA, and thus have already been subject to GLP requirements substantially similar to these. This leaves a maximum of 65 laboratories that may face GLP requirements for the first time. Some proportion of the 65 laboratories are likely to feel the effects of GLP requirements first as a result of TSCA testing requirements, rather than the FIFRA guidelines. It is hard to assess how large or small that fraction is at this time, because the first TSCA test rule has not yet been proposed.

The Agency has used the results of a survey of laboratories conducted by FDA in 1978 to estimate compliance rates and added costs for these laboratories. From that information, EPA estimates that up to 13 laboratories will incur equipment and facilities costs of \$90,000 each per year, and up to 21 laboratories will incur added personnel costs of \$300,000 each per year. Thus, total annualized costs for these elements are \$7.5 million per year, in 1979 dollars. In addition, the longer data retention requirements will cause increased archiving costs (affecting all laboratories submitting data under Subpart F) totalling \$85,000 in the first year after promulgation, building to \$850,000 in the tenth year. Thus, total annualized costs of GLP's for both new

registrations and reregistrations amount to \$8 million in current dollars.

For comparison, the current rough estimate of the annualized cost of all the registration guidelines amounts to \$115 million; the GLP's contribute 7% to this total. EPA's economic impact analysis of the proposed guidelines of 1978 was based on Subparts B, D, E, and F proposed in July and August of that year. The annualized total for registration and reregistration was estimated then at \$76.5 million, some 33% lower than the current estimate. Based on the 1978 estimates, EPA made the following conclusions about the economic impact of the whole set of registration guidelines:

- Sales value of pesticides at the basic producers level would increase by between 1.4 and 4.4%.

- Pesticide research and development expenditures would increase by between 20 and 63%.

- Pesticide users would face about a 1.3% increase in pesticide costs.

- Overall added consumer costs are estimated to be quite small (about 35 cents per capita per year).

- Employment dislocations of 38 to 75 jobs per year are expected to be largely offset by continued industry growth.

- The guidelines are expected to have little impact on the economic viability of the $\pm$ 200 major active ingredients.

- Of the 300 to 550 smaller volume active ingredients subject to reregistration during the 1980's, however, the guidelines were estimated to cause about 35% to become uneconomical unless significant waivers of data requirements are requested and granted.

- The "minor use problem" [i.e., how to register or maintain registration of products for minor agricultural (and other) uses] is not expected to be significantly aggravated by the guidelines, provided a minor use policy [utilizing the USDA/State Inter-Regional Project #4 ("IR-4"), other existing programs, and new efforts] can be developed by EPA.

- Major pesticide firms are not expected to be adversely affected by these guidelines. The major impact on competition in the industry is to add barriers to future potential competitors and to make it more difficult for smaller firms to compete effectively. This impact may be lessened as a result of the implementation of the 1978 amendments to FIFRA.

- The effects on pesticide formulators are not fully known at this time, and are currently being examined by the Agency through its own investigations and through contract studies.

—There is a possibility that resource constraints (laboratory facilities and personnel) may hinder the implementation of the testing guidelines. The extent of that potential problem is currently unresolved and is being investigated.

No attempt has been made to relate the GLP's to the economic impacts summarized above, except to note that the ten-year GLP cost is about 10% of the total guidelines costs that were used to draw the above conclusions.

EPA welcomes comments on the "Cost Analysis of FIFRA Good Laboratory Practices" and the summary given above. In particular, attention of prospective commenters is directed to the following 3 points:

1. EPA solicits comments and data on the degree of compliance with GLP's of laboratories doing testing in support of pesticide registrations. The cost analysis uses the following factors, derived from FDA's survey and analysis during 1978:

—Of laboratories currently not subject to FDA GLP requirements, 80% are assumed to be in compliance with respect to the equipment and facility provisions of the FIFRA GLP's. The remaining 20% would incur annualized costs of \$90,000 each to each compliance.

—Of laboratories currently not subject to FDA GLP requirements, 68% are assumed to be in compliance with respect to the personnel responsibilities. The remaining 32% would incur annual costs of \$300,000 each to reach compliance.

—All laboratories currently subject to FDA GLP requirements are assumed to be in compliance with the FIFRA GLP's with regard to equipment, facilities, and personnel staffing. The only additional compliance costs would be for archiving of data, samples, etc.

2. The cost analysis assumes that all test data, specimens, and reports for a chemical could be stored in the equivalent of a 10x20x8-foot space, available at \$100 per month plus 25% supervision cost. Comment is solicited on those cost factors, as well as on the assumption of 20 years as the average record retention period.

3. The Agency has made the assumption that, because of capacity constraints within the testing industry, conditions of competition are such that all laboratories will be able to pass through additional GLP compliance costs to test sponsors. Comments are solicited as to whether this assumption is valid, and whether the GLP requirements would exacerbate existing constraints on testing laboratory capacities.

VIII. Designation of the Public Record

EPA has established a public record for this rulemaking (docket number OPP 30023B) which is available for inspection in the OPTS (Office of Pesticides and Toxic Substances) Reading Room from 9:00 a.m. to 5:00 p.m. on working days (Room 447E, 401 M Street, S.W.), Washington, D.C. 20460). This record includes basic information considered by the Agency in developing this proposal. The Agency will supplement the record with additional information as it is reviewed. The record includes the following categories of information:

(1) All information in the rulemaking record for the TSCA general GLP standards, docket number OTS 046004;

(2) Minutes, summaries, or transcripts relating to public meetings held to develop or review this proposal;

(3) All public comments received in connection with the proposal of Subparts B and F of the FIFRA guidelines, which are relevant to this proposal.

Published documents cited in any document in this record, including the preamble to FDA's final GLP regulations (43 FR 59986; December 22, 1978) cited in this preamble, are incorporated by reference into this rulemaking record. EPA also incorporates by reference and takes notice of the public record in the FDA GLP proceedings, FDA Docket No. 76N-0400. EPA will also accept additional material for the record at any time between this proposal and the final designation of the rulemaking record. EPA will identify the complete rulemaking record on or before the date of promulgation of these regulations. The final rule will also permit persons to point out any errors or omissions in the records. The record of this proceeding is available in the OPTS Reading Room.

Statutory Authority: Secs. 3, 8, 25(a)(1), of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended [Pub. L. 92-516, 92 Stat. 819, 7 U.S.C. 136 *et seq.*; 1972, 1975, and 1978].

Dated: April 8, 1980.

Douglas M. Costle,
Administrator, Environmental Protection
Agency.

It is proposed that Part 163, Chapter I, Title 40 of Code of Federal Regulations be amended by adding the following new sections and appendix to Subpart F to read as follows:

Subpart F—Hazard Evaluation: Humans and Domestic Animals

Overview, Definitions, and General Requirements

* * * * *

Sec.
163.80-6 Additional general requirements.

163.80-7 Record retention and additional reporting requirements.

Appendix

Authority: Secs. 3, 8, 25(a)(1), Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92-516, 92 Stat. 819; 7 U.S.C. 136 *et seq.*; 1972, 1975, and 1978).

§ 163.80-6 Additional general provisions.

(a) *General.* (1) *Scope and purpose.* This section prescribes good laboratory practice standards for conducting studies relating to health and safety evaluation. Compliance with this section is intended to assure the quality and integrity of health and safety data submitted pursuant to Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 92-516, 92 Stat. 819, 7 U.S.C. 136 *et seq.*; 1972, 1975, and 1979).

(2) *Applicability.* (i) *General.* The standards in this section apply to all health effects data developed and submitted to meet requirements of this subpart. In addition, more specific or detailed requirements are indicated in specific test standards.

(ii) *Studies performed under grants and contracts.* When a sponsor utilizes the services of a consulting laboratory, contractor, or grantee to perform an analysis or other service, it must notify the consulting laboratory, contractor, or grantee that the service is part of a study that must be conducted in compliance with the provisions of this Part.

(3) *Definitions.* "Batch" means a specific quantity or lot of a test or control substance that has been characterized according to § 163.80-3(b)(2)(iv).

"Control substance" means any chemical substance or mixture or other material that is administered to the control system in the course of a study for the purpose of establishing a basis for comparison with the test substance.

"Protocol" means a detailed description of the design and conduct of a study.

"Quality assurance unit" means any person or organizational element, except the study director, designated by the testing facility management to perform the duties relating to quality assurance of the studies.

"Raw data" means any laboratory worksheets, records, memoranda, notes, or exact copies thereof, that are the result of original observations and activities of a study and are necessary for the reconstruction and evaluation of the report of that study. In the event that exact transcripts of raw data have been prepared (e.g., tapes which have been transcribed verbatim, dated and verified by signature), the exact copy of the

exact transcript may be substituted for the original source of raw data. "Raw data" may include photographs, microfilm or microfiche copies, computer printouts, magnetic media, including dictated observations, recorded data from automated instruments, and correspondence relating to the planning, conduct, and interpretation of the study.

"Specimen" means any material derived from a test system for examination or analysis.

"Sponsor" means the registrant or applicant for registration of a pesticide product for which data are required and who conducts and/or causes to be conducted health and environmental effects studies to produce the data required by FIFRA guidelines and/or submits to EPA data developed in accordance with these guidelines.

"Study director" means the individual responsible for the overall conduct of a study.

"Test mixture" means a combination which results from mixing a test substance with another substance or substances, including vehicle, dust-suppressant, feed water, etc., for the purpose of exposing the test system to the test substance.

"Test substance" means the specific chemical substance or mixture that is used to develop data to meet the requirements of this subpart.

"Test system" means any animal, plant, microorganism, or subparts thereof, to which the test or control substance or mixture is administered or added for study. "Test system" also includes appropriate groups or components of the system not treated with the test or control substance or mixture.

"Tester" means any person who develops health and/or environmental effects data to meet the requirements of the FIFRA guidelines, including any sponsor who develops such data and any independent consulting laboratory that develops such data.

"Testing facility" means the persons, premises, and operational units that the tester uses or has used for the development of health effects data required by the FIFRA guidelines.

(b) *Test and control substances.* (1) *Characterization.* (i) Each storage container for a test or control substance must be labeled by name, chemical abstract number (CAS) or code number, batch number, expiration date, if any, and storage conditions necessary to maintain the identity, strength, purity, and composition of the test or control substances. Storage containers must be assigned to a particular test substance for the duration of the study.

(ii) For studies longer than 4 weeks, reserve samples from each batch of test and control substances must be retained for the period of time provided by § 163.80-7(c)(2) of this subpart.

(2) *Handling.* Procedures must be established for a system for the handling of the test and control substances to ensure that:

(i) There is proper storage.

(ii) Distribution is made in a manner designed to preclude the possibility of contamination, deterioration, or damage.

(iii) Proper identification is maintained throughout the distribution process.

(iv) The receipt and distribution of each batch is documented. Such documentation must include the date and quantity of each batch distributed or returned.

(v) In addition to the requirements set forth in paragraphs (i)-(iv) above, more detailed procedures for handling of potentially toxic substances are presented as guidelines in the Appendix to this section.

(3) *Mixtures of substances with carriers.* (i) For studies of more than 4 weeks' duration, a reserve sample of each test or control carrier substance mixture must be taken and retained for the period of time provided by § 163.80-7(c)(2) of this subpart.

(ii) Where any of the components of the test or control substance carrier mixture has an expiration date, that date must be clearly shown on the container. If more than one component has an expiration date, the earliest date must be shown. Storage requirements under paragraph (b) of this section apply also to test or control substance/carrier mixtures.

(c) *Personnel and organization.* (1)

Personnel. (i) Each individual engaged in the conduct of or responsible for the supervision or monitoring of a study must have the education, training, and experience, or combination thereof, to enable that individual to perform the assigned functions.

(ii) Each testing facility must maintain a current summary of training and experience and job description of each individual engaged in, supervising, or monitoring the conduct of a study.

(iii) There must be a sufficient number of personnel for the timely and proper conduct of the study according to the protocol.

(iv) Personnel must take necessary personal sanitation and health precautions designed to avoid contamination of test and control substances and test systems.

(v) Personnel engaged in a study must wear clothing appropriate for the duties they perform. Such clothing must be

changed as often as necessary to prevent microbiological, radiological, or chemical contamination of test systems and test and control substances (in addition to offering as much protection as possible to the worker, its expected primary purpose).

(vi) Any individual found at any time to have an illness that may adversely affect the quality and integrity of the study must be excluded from direct contact with test systems, test and control substances, and any other operation or function that may adversely affect the study until the condition is corrected. All personnel must be instructed to report to their immediate supervisors any health or medical conditions that may reasonably be considered to have an adverse effect on a study.

(2) *Testing facility management.* For each study, testing facility management must:

(i) Designate a study director as described in paragraph (c)(3) of this section before the study is initiated.

(ii) Replace the study director promptly if it becomes necessary to do so during the conduct of a study, and document and maintain such action as raw data.

(iii) Assure that there is a quality assurance unit as described in paragraph (c)(4) of this section.

(iv) Assure that test and control substances or mixtures have been appropriately tested for identity, strength, purity, stability, and uniformity.

(v) Assure that personnel, resources, facilities, equipment, materials, and methodologies are available as scheduled.

(vi) Assure that personnel clearly understand the functions they are to perform.

(vii) Assure that any deviations from these regulations reported by the quality assurance unit are documented and communicated to the study director and, if corrective actions are required, such actions are taken and documented.

(3) *Study director.* For each study, a scientist or other professional of appropriate education, training, and experience, or combination thereof, must be identified as the study director. The study director has overall responsibility for the technical conduct of the study, as well as for the interpretation, analysis, documentation, and reporting of results, and represents the single point of study control. The study director must assure that:

(i) The protocol, including any change, is approved as provided by paragraph (g)(1) of this section and is followed.

(ii) All data, including observations of all responses of the test system, are accurately recorded and verified.

(iii) Unforeseen circumstances that may affect the quality and integrity of the study are documented when they occur, and corrective action is taken and documented.

(iv) Test systems are as specified in the protocol.

(v) All applicable good laboratory practice regulations are followed.

(vi) All raw data, documentation, protocols, specimens, and final reports are transferred to the archives during or at the close of the study.

(4) *Quality assurance unit.* A testing facility shall have a quality assurance unit composed of one or more individuals who shall be responsible for monitoring each study to assure the testing facility management that the facilities, equipment, personnel, methods, practices, records, and controls are in conformity with the standards set forth in the guidelines of this subpart. For any given study, the quality assurance unit shall be entirely separate from and independent of the personnel engaged in the direction and conduct of that study.

(i) The quality assurance system required by § 163.80-3(b)(12) must assure that a group or individual within the testing facility:

(A) Maintain a copy of a master schedule sheet of all studies conducted at the testing facility indexed by test substance and containing, for each study, the test system, nature of study, date study was initiated, current status of each study, name of the sponsor, name of the study director, and status of the final report.

(B) Maintain copies of all protocols pertaining to all studies for which the unit is responsible.

(C) Inspect each phase of a study periodically and maintain written and properly signed records of each periodic inspection showing the date of the inspection, the study inspected, the phase or segment of the study inspected, the person performing the inspection, findings and problems, actions recommended and taken to resolve existing problems, and any scheduled date for reinspection. For studies lasting more than 6 months, inspections shall be conducted every 3 months. For studies lasting less than 6 months, inspections must be conducted at interval adequate to assure the integrity of the study. Any significant problems found during the course of an inspection and which are likely to affect the study's integrity must be brought to the attention of the study director and management immediately.

(D) Periodically submit to management and the study director written status reports on each study, noting any problems and the corrective actions taken.

(E) Determine that no deviations from sponsor-approved protocols or standards operating procedures were made without proper authorization and documentation.

(F) Review the final study report to assure that such report accurately describe the methods and standard operating procedures and that the reported results accurately reflect the raw data of the study.

(G) Prepare and sign a statement (to be included with the final study report) which specifies the dates inspections were made and the dates findings were reported to management and to the study director.

(ii) The responsibilities and procedures applicable to the quality assurance unit, the records maintained by the quality assurance unit, and the method of indexing such records must be in writing and must be maintained. These items (including inspection dates, the study inspected, the phase or segment of the study inspected, and the name of the individual performing the inspection) must be made available for inspection to authorized employees of the Environmental Protection Agency or of the Food and Drug Administration.

(iii) A designated representative of the Environmental Protection Agency or of the Food and Drug Administration must have access to the written procedures established for the inspection and may request testing facility management to certify that inspections are being implemented, performed, documented, and followed up in accordance with this paragraph.

(iv) All records maintained by the quality assurance unit must be kept in one location at the testing facility.

(d) *Facilities.* (1) *General.* Each testing facility must be of suitable size, construction, and location to facilitate the proper conduct of studies. It must be designed so that there is a degree of separation that will prevent any function or activity from having an adverse effect on the study.

(2) *Animal care facilities.* (i) A testing facility must have a number of animal rooms or areas separate from those described in § 163.80-3(b)(5)(iii) to ensure isolation of studies being done with test systems or test and control substances known to be biohazardous, including volatile substances, aerosols, radioactive materials, and infectious agents.

(ii) Separate areas must be provided for the diagnosis, treatment, and control

of laboratory animal diseases. These areas must provide effective isolation for the housing of animals either known or suspected of being diseased, or of being carriers of disease.

(iii) When animals are housed, facilities must exist for the collection and disposal of all animal waste and refuse or for safe sanitary storage of waste before removal from the testing facility. Disposal facilities must be provided and operated to minimize vermin infestation, odors, disease hazards, and environmental contamination.

(iv) Animal facilities must be designed, constructed, and located so as to minimize disturbances that interfere with the study.

(v) In addition to the requirements as described in paragraphs (i)-(iv) above, more detailed guidance on animal care facilities is given in the Appendix to this section.

(3) *Animal supply facilities.* There must be storage areas for feed, bedding, supplies, and equipment. Storage areas for feed and bedding must be separated from areas housing the test systems and must be protected against infestation or contamination. Refrigeration must be provided for perishable supplies or feed.

(4) *Facilities for handling test and control substances.* (i) As necessary to prevent contamination or mixups, there must be separate areas for:

(A) Receipt and storage of the test and control substances.

(B) Mixing of test and control substances with a carrier (e.g., feed).

(C) Storage of the test and control substance/carrier mixtures.

(ii) Storage areas for the test or control substance and for the test and control mixtures must be separate from areas housing the test systems, and must be adequate to preserve the identity, strength, purity, and stability of the substances and mixtures.

(5) *Laboratory operation areas.* (i) Separate laboratory space must be provided for the performance of the routine procedures required by studies, including specialized areas for performing activities such as aseptic surgery, intensive care, necropsy, histology, radiography, and handling of biohazardous materials.

(ii) Separate space must be provided for cleaning, sterilizing, and maintaining equipment and supplies used during the course of the study.

(iii) In addition to the requirements described in paragraphs (i)-(iv) above, more detailed guidance on handling of radioactive materials is given in the Appendix to the section.

(6) *Specimen and data storage facilities.* Space must be provided for

archives, accessible only to authorized personnel, for the storage and retrieval of all raw data and specimens from completed studies.

(7) *Administrative and personnel facilities.* (i) Space must be provided for the administration, supervision, and direction of the testing facility.

(ii) Separate space must be provided for locker, shower, toilet, and washing facilities.

(iii) In addition to the requirements in paragraphs (i)-(ii) above, more detailed guidance on administrative and personnel facilities is given in the Appendix to this section.

(e) *Equipment.* The following requirements are in addition to those stated in § 163.80-3(b)(7) of this subpart:

(1) Equipment used for the generation, measurement, or assessment of data shall be adequately tested, calibrated, and/or standardized.

(2) The written standard operating procedures required under paragraph (f)(1) of this section must set forth in sufficient detail the methods, materials, and schedules to be used in the routine inspection, cleaning, maintenance, testing, calibration, and/or standardization of equipment. The procedures must specify remedial action to be taken in the event of failure or malfunction of equipment, and must designate the person responsible for the performance of each operation. Copies of the standard operating procedures must be made available to laboratory personnel.

(3) Written records must be maintained of all inspection, maintenance, testing, calibrating, and/or standardizing operations. These records, containing the date of the operation, must describe whether the maintenance operations were routine and followed the written standard operating procedures. Written records must be kept of nonroutine repairs performed on equipment as a result of failure and malfunction. Such records must document the nature of the defect, how and when the defect was discovered, and any remedial action taken in response to the defect.

(f) *Testing facilities operation.* (1) *Standard operating procedures.* (i) A testing facility must have written standard operating procedures setting forth study methods that management considers adequate to insure the quality and integrity of the data generated in the course of a study. All deviations in a study from standard operating procedures must be authorized by the study director and must be documented in the raw data. Significant changes in established standard operating

procedures must be properly authorized in writing by management.

(ii) Standard operating procedures must be established for, but not limited to, the following:

(A) Animal room preparation.

(B) Animal care.

(C) Receipt, identification, storage, handling, mixing, and method of sampling of the test and control substances.

(D) Test system observations.

(E) Laboratory tests.

(F) Handling of animals found moribund or dead during study.

(G) Necropsy of animals or postmortem examination of animals.

(H) Collection and identification of specimens.

(I) Histopathology.

(J) Data handling, storage, and retrieval.

(K) Maintenance and calibration of equipment.

(L) Transfer, proper placement, and identification of animals.

(iii) Each laboratory area must have readily available laboratory manuals and standard operating procedures relative to the laboratory procedures being performed (e.g., toxicology, histology, clinical chemistry, hematology, teratology, and necropsy). Published literature may be used to supplement the standard operating procedures.

(iv) A historical file of standard operating procedures, and all revisions thereof, including the dates of such revisions, must be maintained.

(2) *Reagents and solutions.* All reagents and solutions in the laboratory areas must be labeled to indicate identity, titer or concentration, storage requirements, and expiration date. Deteriorated or outdated reagents and solutions must not be used.

(3) *Animal care.* (i) Standard operating procedures for the housing, feeding, handling, and care of animals must be available at the testing facility.

(ii) All newly received animals from outside sources must be placed in quarantine until their health status has been evaluated and documented. This evaluation must be in accordance with acceptable veterinary medical practice.

(iii) At the initiation of a study, animals must be free of any disease or condition that might interfere with the purpose or conduct of the study. If, during the course of the study, the animals contract such a disease or condition, the diseased animals must be isolated. If necessary, these animals may be treated for disease or signs of disease, provided that such treatment does not interfere with the study. The diagnosis, authorizations of treatment,

description of treatment, and each date of treatment must be documented and must be retained. Note: Treatment of test animals for disease should be undertaken only if absolutely necessary to allow for the continuation of a study in which there has been a considerable investment of time and resources. In these cases, complete documentation of the treatment should be submitted to the Agency so that an evaluation can be made regarding the effect of the treatment on the toxicological assessment of the test substance. The nature of the disease, quantity of medication given, and route of administration should be clearly indicated.

(iv) Warm-blooded animals, excluding suckling rodents, used in laboratory procedures that require manipulations and observations over an extended period of time or in studies that require the animals to be removed from and returned to their home cages for any reason (e.g., cage cleaning, treatment, etc.) must receive appropriate identification (e.g., tattoo, toe clip, color code, ear punch, etc.). All identification needed to specially identify each animal within an animal housing unit must appear on the outside of that unit.

(v) Animals of different species should be housed in separate rooms when such separation is important to the outcome of the tests to which they are subjected. Under most circumstances, animals of different species should always be housed in separate rooms. In those circumstances where they must be housed in the same room, a statement should be submitted to the Agency explaining the reasons for the housing pattern and documentation that the joint housing did not compromise the results of the test(s) involving the test substance under study. Animals of the same species, but used in different studies, must not be housed in the same room when inadvertent exposure to control or test substances or animal mixup could affect the outcome of either study.

(vi) Animal cages, racks and accessory equipment must be cleaned and sanitized at appropriate intervals.

(vii) Feed and water used for the animals shall be analyzed periodically to ensure that contaminants known to be capable of interfering with the study, and reasonably expected to be present in such feed or water, are not present at levels above those specified in the protocol. Documentation of such analyses shall be maintained as raw data.

(viii) Bedding used in animal cages or pens must not interfere with the purpose or conduct of the study and must be

changed as often as necessary to keep the animals dry and clean. Note: To the extent possible, use of bedding should be avoided entirely for most studies required by this subpart, and should be used only where absolutely essential to the proper conduct of a study.

(ix) The use of cleaning and pest control materials must be documented. Cleaning and pest control materials that interfere with the study must not be used. Note: Should it be necessary to use such materials during the conduct of a study, such use should be subject to the following limitations: persistent chlorinated hydrocarbon pest control materials should never be used; volatile organophosphate and carbamate pest control materials should be avoided to the extent possible; and documentation should include descriptions of quarters, time of treatment, purpose, quantity used, chemical and trade name of material, and name of vehicle.

(x) In addition to the requirements described in paragraphs (i)-(ix) above, more detailed guidance for proper animal care is given in the Appendix to this section.

(g) *Protocol for and conduct of a study.* (1) *Protocol.* (i) Each study must have a sponsor-approved protocol that clearly indicates the objectives and all methods for the conduct of the study. The protocol must contain but not necessarily be limited to the following information:

(A) A descriptive title and statement of the purpose of the study.

(B) Identification of the test and control substances by name and by chemical abstract (CAS) number or by code number.

(C) The name and address of the sponsor, including the sponsor's project manager, and the name and address of the testing facility at which the study is being conducted.

(D) The proposed starting and completion dates for the study.

(E) Justification for selection of the test system.

(F) Where applicable, the number, body weight range, sex, source of supply, species, strain, substrain, and age of the test system.

(G) The procedure for identification of the test system.

(H) A description of the study design, including the methods for control of bias.

(I) A description and/or identification of the diet used in the study as well as solvents, emulsifiers, and/or other materials used to solubilize or suspend the test or control substances before mixing with the carrier. The description must include specification for acceptable levels of contaminants that

are reasonably expected to be present in the dietary materials and are known to be capable of interfering with the purpose of conduct of the study if present at levels greater than established by the specifications.

(J) The route of administration and the reason for its choice.

(K) Each dosage level, expressed in milligrams per kilogram of body weight or other appropriate units, of the test or control substance to be administered, and the method and frequency of administration.

(L) The method by which the degree of absorption of the test and control substances by the test system will be determined (if necessary to achieve the objectives of the study).

(M) The type and frequency of tests, analyses, and measurements to be made.

(N) The records to be maintained.

(O) The date of approval of the protocol by the sponsor and the signature of the study director.

(P) A statement of the proposed statistical methods to be used.

(ii) All changes or revisions of the sponsor-approved protocol must be explained and thoroughly documented, signed by the study director, dated, and maintained with the protocol.

(iii) In addition to the protocol requirements described in paragraphs (i)-(ii) above, additional protocol requirements will be specified in individual test standards.

(2) *Conduct of a study.* The following requirements are in addition to those stated in § 163.80-3(b)(3)-(6), (8)-(11) of this subpart:

(i) The study must be conducted in accordance with the protocol.

(ii) The test systems must be monitored in conformity with the protocol.

(iii) Specimens must be identified by test system, study, nature, and date of collection. This information must be located on the specimen container or must accompany the specimen in a manner that precludes error in the recording and storage of data.

(iv) Records of gross findings for a specimen from postmortem observations must be available to a pathologist when examining that specimen histopathologically.

(v) All data generated during the conduct of a study, except those that are generated as direct computer input, must be recorded directly, promptly, and legibly in permanent ink. All data entries must be dated on the day of entry and signed or initialed by the person entering the data and co-signed by a co-worker who is knowledgeable of the work performed. Any change in

entries must be made so as not to obscure the original entry, must indicate the reason for such change, and must be dated and signed or identified at the time of the change. In computer-driven data collection systems, the individual responsible for direct data input must be identified at the time of data input. Any change in computer entries must be made so as not to obscure the original entry, must indicate the reason for change, and must be dated; also, the person responsible for the change must be identified.

163.80-7 Record retention and additional reporting requirements.

(a) *Reporting of study results.* In addition to the requirements of § 163.80-4 of this subpart:

(1) A final report must be prepared for each study and must include, but not be limited to, the following:

(i) Objectives and procedures stated in the sponsor-approved protocol, including any changes in the original protocol and corresponding justification(s) for such changes.

(ii) Stability of the test and control substances under the conditions of administration and storage.

(iii) Procedure used for identification of test animals.

(iv) A description of all circumstances that may have affected the quality or integrity of the data.

(v) The name of the study director, the name of other scientists or professionals, and the names of all supervisory personnel involved in the study.

(vi) A description of the transformations, calculations, or operations performed on the data.

(vii) The signed and dated reports of each of the individual scientists or other professionals involved in the study.

(viii) The statement prepared and signed by the quality assurance unit as described in § 163.80-6(c)(4)(i)(G) of this subpart.

(2) The final report must be signed by the study director.

(3) Corrections or additions to a final report must be in the form of an amendment by the study director. The amendment must clearly identify that part of the final report where each correction or addition was made and must include the reason for each correction or addition, and must be signed by the person responsible.

(b) *Storage and retrieval of records and data.* (1) All raw data, documentation, protocols, specimens, and final reports generated as a result of a study must be retained and indexed.

(2) There must be suitable archives for orderly storage and expedient retrieval

of all raw data, documentation, protocols, specimens, and interim and final reports. Conditions of storage must minimize deterioration of the documents or specimens in accordance with the requirements for the time period of their retention and the nature of the documents or specimens. Tissue blocks must be separated from specimen slides by a fire-resistant barrier. A testing facility may contract with commercial archives to provide a repository for all material to be retained. Raw data and specimens may be retained elsewhere, provided that the archives have specific reference to those other locations.

(3) An individual must be identified as responsible for the archives.

(4) Only authorized personnel may enter the archives. Those who enter must sign in and out, identify data or specimens removed and returned, and indicate dates of removal and return of data or specimens.

(5) Materials retained or referred to in the archives must be indexed by test substance or mixture, date of study, test system, and nature of study.

(6) In addition to the storage and retrieval of records and data requirements described in paragraphs (1) through (5) above, additional requirements will be specified in individual test standards.

(c) *Retention of records.* (1) Record retention requirements set forth in this paragraph do not supersede the record retention requirements of any other regulations in this chapter.

(2) Except as provided in paragraph (c)(3) of this section, documentation records, raw data, and specimens pertaining to a study and required to be made by this part must be retained in the archives of the testing facility or sponsor until each application with which they are associated is denied or until each registration with which they are associated is cancelled.

(3) Wet specimens, samples of test or control substances, samples of test or control substance/carrier mixtures, and samples of all other test-related specially-prepared materials (e.g., histochemical preparations, electron microscopic mounts, blood mounts, teratological preparations, and uteri from dominant lethal mutagenesis tests) which are relatively fragile and differ markedly in stability and quality during storage, should be retained only for as long as the quality of the preparation affords evaluation. In no case would retention be required for a longer period than that set forth in paragraph (c)(2) of this section.

(4) The master schedule sheet, copies of protocols, and records of quality assurance inspections, as required by

§ 163.80-6(c)(4)(ii) of this subpart, must be maintained by the quality assurance unit as an easily accessible system of records for the period of time specified in paragraph (c)(2) of this section.

(5) Summaries of training and experience and job descriptions required to be maintained by § 163.80-6(c)(1)(ii) must be retained along with all other testing facility employment records for the length of time specified in paragraph (c)(2) of this section.

(6) Records and reports of the maintenance and calibration and inspection of equipment, as required by § 163.80-6(e), must be retained for the length of time specified in paragraph (c)(2) of this section.

(7)(i) If a facility which has conducted tests to meet FIFRA requirements goes out of business, all raw data, documentation, and other material specified in this section must be transferred to the archives of the sponsor of the study. This same requirement applies to an archive-contracting facility holding records of FIFRA tests that is going out of business. The Agency must be notified in writing about such transfer, and the specific new location of the test data must be provided.

(ii) If a facility which has conducted tests to meet FIFRA requirements changes ownership or management, the Agency and the sponsor must be notified. This same requirement applies to an archive-contracting facility holding records of FIFRA tests that is changing ownership or management. Such records and other associated material may not be disposed of without the concurrence of the Agency and the sponsor.

Appendix

This Appendix provides guidance on certain issues related to good laboratory practices for health effects testing. Information or methods contained in this Appendix apply to all health effects studies designated in Subpart F.

(a) *Handling of test substances.* Because testing is often performed on a new chemical, the toxicity profile may not be thoroughly known, particularly with regard to the chemical's effects on humans. There will usually not be an antidotal remedy to counteract the effects of poisons. Therefore, a great deal of precaution must be exercised by all persons working with the chemical. To minimize possible adverse effects on the health of personnel in a testing facility where exposure to toxic test substances would routinely take place, the following documents (or more recent revisions of these documents) should be consulted and used:

(1) The DHEW Toxicology Subcommittee document for Carcinogen Standards (August, 1978) entitled "Guidelines for the Laboratory Use of Toxic Substances Posing a Potential Occupational Carcinogenic Risk"; and

(2) The International Agency for Research on Cancer (IARC) document entitled "A Manual on the Safety of Handling Carcinogens in the Laboratory."

(b) *Handling of radioactive materials.* If radioactive materials are to be used, special facilities or areas and licensing of persons to possess and use radioactive materials should be in accordance with regulations set forth by the Nuclear Regulatory Commission in Title 10 of the Code of Federal Regulations or the requirements of an agreement State.

(c) *Administrative and personnel facilities.* Testing facilities should be in accordance with regulations set forth by the Occupational Safety and Health Administration under Title 29 of the Code of Federal Regulations.

(d) *Animal care and handling.* (1) All animals under the care of the testing facility should be housed, fed, and handled in compliance with standards set forth by the Animal Welfare Act under 9 CFR Part 3, or, where standards are not indicated in 9 CFR Part 3, animals should be housed, fed, and handled in a manner consistent with the recommendations in:

(i) DHEW Publication No. (NIH) 74-23 "Guide for the Care and Use of Laboratory Animals"; and

(ii) A Report of the Committee on Long-Term Holding of Laboratory Animals (ILAR News, Vol. XIX, No. 4, 1976).

(2) All animals for which there are no specific regulations should be housed, fed, and handled in compliance with:

(i) Subpart F of 9 CFR Part 3;

(ii) The recommendations of DHEW Publication No. (NIH) 74-23; and

(iii) The National Academy of Sciences/National Research Council's "Standards for the Breeding, Care and Management of Syrian Hamsters (1960); Laboratory Rats (1962); Guinea Pigs (1964); Laboratory Cats (1964); Laboratory Dogs (1964); and Laboratory Rabbits (1965)."

(3) Should these guidelines and standards be revised, animal care and facilities should be modified in accordance with such revisions.

(4) Animal cages, racks and accessory equipment should be cleaned and sanitized at appropriate intervals as recommended in DHEW Publication No. (NIH) 74-23 and any more recent revisions of this document.

Addendum I¹

FIFRA section 25(a)(2)(A) requires the Administrator to provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the *Federal Register*. This provision is intended to give the Secretary an opportunity to comment on the proposal, and he did so for these guidelines and preamble for Subpart F. The comments of the Secretary and the Administrator's response thereto are published below. In this instance, correspondence was exchanged between Edwin L. Johnson, Deputy Assistant Administrator for Pesticide Program, EPA, and Barry Flamm, Director, Office of Environmental Quality, U.S. Department of Agriculture. Following the introductory paragraphs from Dr. Flamm, each of the relatively short individual comments is reproduced in full. The page numbers mentioned in Dr. Flamm's letter refer to pagination in the draft (dated Aug. 17, 1979) he was reviewing. For purposes of brevity in this addendum, each USDA comment is followed immediately by insertion of the corresponding EPA response set off in brackets.

Department of Agriculture, Office of the Secretary, Washington, D.C. 20250

Oct. 1, 1979

Mr. Edwin L. Johnson (TS-766), Deputy Assistant Administrator for Pesticide Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460

Dear Mr. Johnson: Thank you for your August 28, 1979 letter, transmitting the U.S. Environmental Protection Agency's (EPA) proposed "Guidelines for Registering Pesticides in the United States, Subpart F—Sections 163.80-6 and 163.80-7, dealing with Good Laboratory Practice (GLP). Research agencies within the Department have reviewed the guidelines; however, this has not been an in-depth review, and therefore, these comments reflect our general opinion and concern regarding the proposed guidelines.

Assistant Secretary Cutler, in his letter to Administrator Costle on May 14, 1979, explained that USDA and State Agricultural Experiment Station scientists are engaged in solving problems affecting the agricultural community and not routine testing, *per se*. The industrial and contract laboratories have evolved a sophisticated system of data acquisition and recording on fairly repetitive studies. The changing needs of our research program, however, require frequent redirection to solve our special problems. Thus, we are concerned about the applicability of identical standardized procedures and recordkeeping requirements for agricultural research as are used for industrial and contract laboratory testing. We recommend that a distinction be made relative to good laboratory practices for pioneering research studies, and data acquisition and recordkeeping requirements for fairly repetitive studies.

[EPA Response] The Agency emphasizes that only those laboratories that develop data

to be used in support of pesticide registrations would be subject to these good laboratory practices. The Department is suggesting that EPA develop two sets of GLP standards for laboratories that develop data in support of registration: one similar to this proposal for laboratories that perform routine toxicology testing, and another that is relatively less stringent for laboratories that do not perform routine toxicology tests. EPA contends that the purpose of the test rather than the principal role of the laboratory should dictate the standards to be set. If studies are undertaken to develop data to support pesticide registrations, then all laboratory procedures linked to these studies should be in conformity to the rules of good laboratory practice set forth under FIFRA. However, since many GLP requirements indicated in this proposal reflect good procedures, careful recordkeeping, and common-sense practices, research-oriented laboratories should seriously consider adopting some of the standards even for the performance of certain research studies, if such procedures are not already in practice.

General Comments

1. It is clear from the preamble to the guidelines that EPA is concerned about the differences in the guidelines for good laboratory practices among the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food, Drug, and Cosmetic Act (FFDCA); and the Toxic Substances Control Act (TSCA). USDA shares this concern.

EPA has attempted to revise FIFRA, Subpart F guidelines to include the TSCA proposed general GLP standards for human health effects (40 CFR 772.110-1) and the FFDCA standards. However, there still exist significant differences which are delineated in Parts II and III of the preamble to the guidelines. Some laboratories will be engaged in studies involving FFDCA, FIFRA, and TSCA. It is unlikely that the different requirements of each agency can be carried out in one laboratory without serious errors being made. It is recommended that EPA and FDA jointly issue guidelines for good laboratory practices that cover FIFRA, FFDCA, and TSCA. We urge that the Interagency Regulatory Liaison Group (IRLG) work toward developing a unified policy on guidelines for good laboratory practices.

[EPA Response] The implication that the differences between the GLP requirements of the 2 agencies are "significant" is erroneous. (Since issuance of the draft for USDA review, several minor differences have been resolved and no longer exist, thereby reducing the number of differences even further.) None was "significant", and those that remain merely reflect either specific policies of the Acts to which the chemical commodities (i.e., pesticides, drugs, toxic substances) are tied due to their characteristics of regulatory programs (e.g., registration, for pesticides), or reflect minor issues where public comment is desired and invited. IRLG members are already working jointly with EPA staffs under TSCA and FIFRA on each of the 11 teams dealing with toxicology testing requirements, and one of these teams is assigned to the general testing/GLP

standards. Our joint goal is that each of the three sponsors issue test standards that are as consistent as possible.

2. EPA has determined that the proposed guidelines for good laboratory practices are not significant and, therefore, not subject to the procedural requirements of Executive Order 12044. USDA views the guidelines for good laboratory practices, as presently written, quite significant in adding to the cost, control, and the productivity of agricultural research. Consequently, we believe it is necessary to review the impact of the guidelines for good laboratory practices in detail in accordance with the provisions and spirit of the Executive Order.

[EPA Response] The criterion for economic impacts to be considered "significant" under Executive Order 12044 is that the annual cost impacts of a rule or proposed rule on the U.S. public (including testers, manufacturers, and consumers, in this case) would likely meet or exceed \$100 million/year. FDA studied the economic implications of its GLP rule and found that the total projected annual costs would not exceed \$7 million. Given that EPA's own GLP guidelines are so similar to FDA's GLP regulations, the Agency concluded that the projected annual costs of its proposed FIFRA GLP's would not differ substantially, if at all, from costs ascribed to the FDA GLP's. Whenever an economic impact analysis of a rule (or proposed rule) reflects annual cost impacts of less than \$100 million/year, a statement to the effect that the impact is not "significant" must be included with the rule (even if an economic impact analysis accompanies the rule). If the criterion is met or exceeded, a "detailed" (extensive) economic impact analysis must accompany the rule.

3. FIFRA, as amended, states in Section 3(c)(2)(A) that the Administrator (EPA) will publish guidelines specifying the kinds of information that shall be required to support registration. The Act does not specifically authorize the establishment of requirements for standard laboratory practices. The preamble to the guidelines indicates that the guidelines are authorized by Section 3(c)(2)(A) of FIFRA, as amended. Clarification is necessary concerning whether the guidelines for good laboratory practices are intended as regulations or suggested procedures for laboratory practices.

[EPA Response] The Agency interprets the language in FIFRA § 3(c)(2)(A) as authorizing the Administrator to include GLP requirements as part of the guidelines. Since the guidelines are intended to specify the kinds of information which will be needed by EPA to determine whether to register a product, data reflecting testing procedures and results must necessarily include good laboratory practice. The fundamental premise of EPA's regulatory program is that the data used to reach decisions must be scientifically reliable, and use of known reliable procedures is part of the scientific process. Thus EPA concludes that it is fully authorized by the statute to issue GLP requirements. These requirements, once published as final, will carry the force of regulations, and will be subject to all constraints and limitations imposed by the accompanying language.

4. It is not clear from FIFRA or TSCA which agency, EPA or FDA, will have the

¹The addenda will not appear in the Code of Federal Regulations.

authority to inspect a testing facility. TSCA regulations [72.110-1(k)] state "in order to assure that data development is reliable and accurate, EPA believes that Agency personnel or agents must have the opportunity to inspect on a periodic basis the facility that conducts testing under Section 4 (of TSCA) and to inspect (and in the case of records, to copy) all records and specimens required to be maintained. Although inspections on health effects studies will generally be conducted for EPA by FDA inspectors, EPA will pursue enforcement action regardless of the source of information." The phrase "will generally be" is confusing. Does this mean all of the time by FDA inspectors or some of the time by FDA and/or EPA inspectors?

[EPA Response] The Agency must point out that this FIFRA proposal makes no statement regarding inspection of facilities, and that the Department is seeking information about the TSCA proposal. The Department did not quote the actual TSCA proposed rule on good laboratory practice; it quoted instead from the preamble to the proposed standards (44 FR 27367, May 9, 1979). Proposed § 72.110-1(k) actually states that "A testing facility must permit an authorized employee of the Environmental Protection Agency or of the Food and Drug Administration, at reasonable times and in a reasonable manner, to inspect the facility and inspect (and in the case of records, also to copy) all records and specimens required to be maintained regarding studies within the scope of this section" (44 FR 27374, May 9, 1979). In response to the question posed by the Department, it is our understanding that the proposal means that, when the need arises to check the quality and authenticity of records and data at one or more of the toxicology laboratories testing chemicals, inspections would for the most part be conducted for EPA by FDA inspectors; sometimes an EPA inspector might do the inspection under special circumstances. Should a testing facility refuse to allow inspection of such records and data, it runs the risk of Agency refusal to accept the results of studies supporting any chemical the lab may have tested.

Specific Comments

1. Proposed Section 163.80-7(c)(2) provides for retention of raw data and test substances for as long as there is an active registration. This is unrealistic and differs from TSCA general GLP standards which would provide for a 10-year retention period. Some FIFRA products have been registered for as long as 40 years. The preamble fails to justify the necessity for the retention period.

[EPA Response] The Agency considers retention of data for the life of the registration of a pesticide product as vital support for a chemical that is being used in the environment of humans and other nontarget organisms. Such data may be highly important any time an event occurs that requires the Agency to examine the data, whether the event occurs 40 days or 40 years after registration. For test substances, samples, and specimens retained under this requirement, such items may be discarded whenever it is determined that they have

degraded or decayed beyond the limit of their usefulness as records of the study.

2. Sponsor—USDA recommends that EPA and FDA reach agreement on the term sponsor.

[EPA Response] This minor difference, described in section III of the preamble, poses no problem between the agencies whatsoever. The fact that FIFRA requires registration of pesticides allows EPA to use the widely-accepted term "registrant" or "applicant" (for registration) as synonymous with the term "sponsor". With regard to EPA's requirements for a "sponsor-approved" study and the identification of the "sponsor's project manager", recent communication from FDA has indicated its special interest in any public comments EPA might receive on these minor differences.

3. Raw data—USDA recommends that EPA and FDA reach agreement on the term "raw data." Planning and interpretations of the study should not be confused with raw data.

[EPA Response] Following the public comment period, the Agency will reexamine the need to include "correspondence relating to the planning, conduct, and interpretation of the study" under the term "raw data", and will reexamine the need to require "planning and interpretations" information regarding a prospective study at all. (See § 163.80-6(a)(3)(v).) It is likely that such information will be required to be held for possible Agency inspection or use. The only change in these regulations might be that such information would not be termed "raw data", and the requirements for such information would simply be in addition to the requirements for raw data.

4. Protective clothing—USDA recommends that EPA and FDA reach agreement on the term protective clothing.

[EPA Response] The Agency has modified the definition and now contends that there is no difference between the FDA and EPA terms. The Agency understands that FDA had at one time included language similar to that which appeared in the draft document referring to the function of protective clothing to protect the worker (as well as to protect against contamination of animals, feed, etc.). Such language was withdrawn before publication of the final FDA GLP regulations, however, because of the possible implication of authority regarding protective clothing and workers that is vested by another agency (Department of Labor-OSHA). Language in the FIFRA guidelines was therefore modified to remove this same implication, but reference to the obvious primary purpose of protective clothing was retained. See § 163.80-6(c)(1)(v).

5. Safeguarding integrity of data—USDA recommends that EPA and FDA reach agreement on procedures for safeguarding integrity of data.

[EPA Response] The additional requirement in the FIFRA guidelines that entry of data "be co-signed by a co-worker who is knowledgeable of the work performed" was deemed by EPA to carry no particular burden and might lend greater credence and validity to data entries. FDA's proposed regulations carried this requirement which was later dropped because there was implication that two people collect the data

rather than one, which would be burdensome for some studies. Further, FDA felt that if the study director implemented procedures adequate to ensure proper data collection, this would be sufficient assurance additional to signature of the person entering the data. EPA is interested in public response on this requirement, as set forth in § 163.80-6(g)(2)(v), since it did not require that a co-signer be an actual performer in developing or entering the data, only that he be knowledgeable of the work performed. EPA will also discuss this proposal further with FDA and expects to reach agreement on appropriate language.

6. Keeping study records in archives—USDA recommends that EPA and FDA reach agreement on the period of time records are to be maintained in archives. Keeping records for as long as there is a registration is unrealistic since some FIFRA products have been registered for as long as 40 years. Also see comment #1.

[EPA Response] Response to this comment is provided following Specific Comment #1 (above).

7. Personnel and organization—Section 163.80-6(c)(1)(i) (A) and (C) use vague terms. What is meant by "education, training, and experience or combination thereof"; what is meant by "sufficient number of personnel"? These criteria are judgmental and ambiguous. Emphasis should be placed on Section 163.80-6(c)(1)(i)(B). " * * * maintain a current summary of training and experience and job description of each individual * * * "

[EPA Response] The Agency recognizes that the criteria are judgmental, but because of the variety of tasks, competence levels, and numbers of personnel necessary for conducting acceptable laboratory studies, more specific, detailed requirements were avoided. The Agency agrees with USDA regarding the importance of the requirement to maintain a current summary of training and experience and a job description of each individual engaged in each study, but does not feel that greater emphasis need be supplied beyond that already provided as a clearly stated requirement. The paragraphs referred to in the comment above are now § 163.80-6(c)(1) (i), (iii), and (ii), respectively.

8. In all cases where "Animal Welfare Act of 1970" is used, the title should be changed to "Animal Welfare Act" only. (One example is on page 43 of the proposed guidelines.)

[EPA Response] The correction has been made; see Appendix.

9. Effective September 20, 1979, Subpart E of 9 CFR 3 becomes Subpart F. (Pages 43 of the proposed guidelines.)

[EPA Response] The change has been incorporated; see Appendix.

We request that our comments be published in the *Federal Register* along with the proposed regulation and EPA response to the comments, as provided under FIFRA, Section 25(a)(2)(A). We may make additional comments during the formal public participation period after publication.

Sincerely,

Robert C. Riley (for)

Barry R. Flamm,

Director, Office of Environmental Quality.

Addendum II

FIFRA section 25(a)(2)(A) requires the Administrator to provide the FIFRA Scientific Advisory Panel a copy of any proposed regulation at least 60 days prior to signing it for publication in the *Federal Register*. This provision gives the Panel an opportunity to comment on the proposal's impact on public health and the environment. The comments of the Panel and the Administrator's response thereto are published below. The Panel supplied comments on this document along with comments on several other guidelines documents; therefore, only those statements generally and specifically addressing this document are included, and deletions are indicated accordingly by a series of periods. For purposes of brevity in this addendum, each specific Panel comment is followed immediately by insertion of the corresponding EPA response set off in brackets.

United States Environmental Protection Agency, Washington, D.C. 20460, October 22, 1979

Office of Toxic Substances

Memorandum

Subject: Review of Proposed Guidelines for Registering Pesticides in the United States
From: Dr. Wade H. Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel (TS-766)

To: Deputy Assistant Administrator for Pesticide Programs (TS-766)

The FIFRA Scientific Advisory Panel has completed review of Subpart F . . . of the Guidelines for Registering Pesticides in the United States. The review was completed in open meetings held in Arlington, Virginia, during the period July 19-20, 1979. Attached is a report of findings by the Panel.

This report was delayed due to shift of office resources for resolution of Panel business relating to conclusion of the RPAR's on 2,4,5-T and Silvex. The secretariat regrets the delay and sincerely hopes that the delay did not significantly impede progress with proposed rulemaking on the Guidelines.

Please convey our special thanks to Dr. Preston, Mr. Jordan, and all members of the EPA staff who participated in the meeting for an excellent briefing on the important features of the proposed rulemaking document. . . .

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel

Review of Proposed Guidelines for Registering Pesticides in the United States

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel completed review of several additional Subparts of Proposed Guidelines for Registering Pesticides in the United States during open meeting held in Arlington, Virginia, during the period July 19-20, 1979. The following specific subparts were reviewed during the meeting:

1. Subpart F. Hazard Evaluation: Humans and Domestic Animals. . . .

Maximum public participation has always been encouraged at all meetings of the FIFRA Scientific Advisory Panel. In respect to this session of the Panel, a Federal Register Notice was published on July 3, 1979. In addition, telephonic notices and special mailings were sent to the general public who had previously expressed an interest in activities of the Panel. . . . In addition to comments by EPA staff, informal comments were received from the general public and representatives of the pesticide industry.

The superb efforts of Dr. William H. Preston, Jr. and other technical staff of EPA who presented various Subparts of the Guidelines to the Panel are worthy of special recognition. The Panel wishes to commend the Agency for being exceptionally cooperative in their working relationship with the Panel in all matters dealing with the proposed Guidelines. This has materially aided in the expeditious review of a large amount of technical material. . . .

In consideration of all matters brought out in the meeting and a careful review of the proposed rulemaking document . . . , the Panel submits the following report.

The FIFRA Scientific Advisory Panel is of the opinion that the . . . Guidelines (Subpart F . . .) submitted to the Panel as proposed rulemaking during the Twenty-fourth meeting of the Panel, July 19-20, 1979, deals effectively with the intended procedures with a limited number of specific exceptions and recommendations.

The FIFRA Scientific Advisory Panel unanimously submits the following comments on the . . . proposed subpart . . . of the pesticide registration Guidelines:

Subpart F. Hazard Evaluation: Humans and Domestic Animals, Two Additional Sections dealing with Good Laboratory Practice (GLP) were proposed.

A. Section 163.80-6(a)(2)(i). The use of the phrase "all health effects" in this paragraph is ambiguous. Panel Recommendations: We recommend this sentence be rewritten in such a way as to more accurately express the intended meaning.

[EPA Response] The Agency is of the opinion that the Panel's quoted words do not reflect the full statement made in the guidelines: "all health effects data developed and submitted to meet the requirements of this subpart" (emphasis added). The full statement signifies all toxicological study data required by Subpart F, and does not appear to be ambiguous. Without a clearer explanation of what is ambiguous, the Agency is inclined to make no change in the sentence at this time.

B. Section 163.80-6(f)(3)(iii). Treatment of test animals for disease should only be used if absolutely necessary to allow for the continuation of a study in which there has been a considerable investment of time and resources. Even in these cases, complete documentation should be provided by the registrant so that an evaluation can be made that the treatment did not compromise the assessment of potential risk to man from the chemical under study. The nature of the disease, quantity of medication given, and route of administration should be clearly

indicated. Panel Recommendation: The Panel recommends that this paragraph be rewritten to embrace the concerns expressed above in regard to treatment of diseased animals.

[EPA Response] EPA accepts the Panel's recommendation and has made appropriate additions to paragraph (f)(3)(iii).

C. Section 163.80-6(f)(3)(iv). If it is necessary to house different species in the same room, documentation should be provided indicating that joint housing did not compromise the results of the risk assessment study in question. Panel Recommendation: The Panel recommends the language of this paragraph be changed to indicate more strongly that separate species should be housed in separate rooms.

[EPA Response] EPA accepts the Panel's recommendation, and has made the appropriate additions to paragraph (f)(3)(v) where this subject now appears.

D. Section 163.80-6(f)(3)(vi). The use of bedding in animal cages is discouraged. Panel Recommendation: The Scientific Advisory Panel recommends that use of bedding be discouraged to the extent possible. The Panel recognizes that bedding will be required in some instances, but should be used only when absolutely necessary. The paragraph should be rewritten to reflect this recommendation.

[EPA Response] EPA accepts the Panel's recommendation, and has made the appropriate additions to paragraph (f)(3)(viii) where this subject now appears.

E. Section 163.80-6(f)(3)(vii). Use of cleaning and pest control materials in testing facilities is a special concern. Panel Recommendation: The Scientific Advisory Panel recommends that the major pest control procedure in test facilities should be adequate sanitation and a properly constructed animal housing facility. If it is found necessary to use chemical pest control procedures, then the Panel recommends the prohibition of the use of persistent chlorinated hydrocarbons. Additionally, the Panel recommends that the use of volatile organophosphate and carbamate insecticides be discouraged. All tests carried out in quarters requiring pesticide use should be clearly so described, and the time, use, quantity, nature of pesticide, and the vehicle indicated. In view of the potential for deleterious effects from the use of cleaning and pest control materials in testing facilities, we recommend this paragraph be modified to reflect these concerns.

[EPA Response] EPA accepts the Panel's recommendation, and has made the appropriate additions to paragraph (f)(3)(ix) where this subject now appears.

For the Chairman: Certified as an accurate report of findings:

Dated: September 25, 1979.

H. Wade Fowler, Jr., Ph.D.

Executive Secretary, FIFRA Scientific Advisory Panel.

[FR Doc. 80-11902 Filed 4-17-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 712

[OPTS-082004C; FRL 1465-8]

**Pesticides and Toxic Substances:
General Recordkeeping and Reporting
Requirement: Preliminary Assessment
Information; Corrections****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Correction to proposed rule.**SUMMARY:** These are corrections to a proposed rulemaking requiring chemical manufacturers (including miners and importers) and, in some cases, processors to report production and exposure-related data on approximately 2200 chemicals to the EPA.**DATE:** Comments on this proposed rulemaking must be received on or before May 14, 1980.**ADDRESS:** Comments should be addressed to the Document Control Officer, Environmental Protection Agency, Office of Pesticides and Toxic Substances [TS-793], 401 M Street, SW, Washington, DC 20460. Comments should bear the identifying notation OTS-082004b. All comments received, as well as the public records in this proceeding, will be available for public inspection in Room 447 East Tower at that address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.**FOR FURTHER INFORMATION CONTACT:** John B. Ritch, Jr., Industry Assistance Office, (TS-799), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, 800-424-9065 (toll free); in Washington 202-554-1404.**SUPPLEMENTARY INFORMATION:** On February 29, 1980, EPA published in the *Federal Register* (45 FR 13657) a list of chemical substances subject to the proposed Preliminary Assessment Information Rule. The corrections to this proposed rulemaking are as follows:

In § 712.18:

(a) Page 13658, third column, CAS No. "84-61-2 1,2-Benzenedicarboxylic acid, dicyclohexyl ester" should be deleted.

(b) Page 13660, first column, twelfth CAS No., "101-96-6," should read "101-90-6."

(c) Page 13667, third column, sixth CAS No. from bottom, "7773-06-6," should read "7773-06-0."

Dated: April 10, 1980.

Jeanette Wiltse,
Branch Chief, Chemical Information
Reporting Branch.

[FR Doc. 80-12007 Filed 4-17-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 775

[80T-7; FRL 1471-5]

**Tetrachlorodibenzo-P-Dioxin
Prohibition of Disposal****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of expedited hearing and shortened comment period.**SUMMARY:** The Environmental Protection Agency issues this notice to inform all interested persons that it has received and granted Vertac Chemical Company's expedited hearing request on the immediately effective proposed rule which was published in the March 11, 1980 issue of the *Federal Register* (45 FR 15592). This rule prohibits disposal of waste products containing Tetrachlorodibenzo-p-dioxin (TCDD) stored by Vertac at its Jacksonville, Arkansas facility, and requires other persons to notify EPA before disposing of waste products containing TCDD. In response to this request EPA has commenced an informal hearing on the rule. EPA also issues this notice to inform all interested persons of the shortened public comment period and expedited hearing schedule which results from the expedited hearing request, and to direct all interested persons to the DATES section of this notice for the revised schedules.**DATES:** (a) EPA has conducted one session of the informal expedited public hearing which began at 9:00 a.m. on Wednesday, April 16, 1980, and has scheduled an additional hearing day on May 1, 1980 at 9:00 a.m. EPA will schedule further hearing days if participants request the opportunity to cross-examine witnesses. (b) All persons who wish to participate in the public hearing on May 1st must submit written requests no later than 5:00 p.m. on April 30, 1980. Requests to participate should bear the words "Expedited Hearing Request" on the envelope and be addressed to the Document Control Officer. (c) The public comment period on the proposed rule and on information received during the expedited hearing will close at 5:00 p.m. 5 days after the official conclusion of the hearing. (d) All persons who may be interested in participating in the hearing or in submitting comments should refer to the Supplemental Information section of this notice, which contains additional information on these dates and on other dates relating to the conduct of the hearing.**ADDRESSES:** Written comments and requests to participate in the expedited hearing should bear the document

control number 61004 and be submitted to: Document Control Officer, Attn. Ms. Joni Repasch, Rm. 447 East Tower (TS-793), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

All timely comments and requests shall be placed in the public record which is located in Room 447 at the same address and is open to the public from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

The expedited informal hearing will be held in Room M3906, Environmental Protection Agency, 401 M Street, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Gordon Olson, Office of Chemical Control (TS-794), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. (202) 755-1260.**SUPPLEMENTARY INFORMATION:****A. Introduction**On March 11, 1980, EPA issued an immediately effective proposed rule, published in the *Federal Register* at 45 FR 15592, which prohibited Vertac Chemical Corporation¹ from disposing of specific chemical wastes contaminated with 2, 3, 7, 8-TCDD [Tetrachlorodibenzo-p-dioxin] located at its Jacksonville, Arkansas facility. The rule also requires any person to notify EPA at least sixty days before he intends to dispose of any TCDD containing wastes resulting from the production of 2,4,5-Trichlorophenol and/or its pesticide derivatives, or from production of other substances on equipment which was previously used for production of 2, 4, 5-Trichlorophenol or its pesticide derivatives.EPA issued this rule under the authority of section 6(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2605, and declared it immediately effective under section 6(d) of TSCA. For a discussion of this immediately effective proposed rule and the legal authority under which it was issued, see the Supplementary Information section of the Preamble to the immediately effective rule published in the *Federal Register* of March 11, 1980 (45 FR 15593).If the Administrator makes a rule immediately effective upon publication in the *Federal Register*, section 6(d)(2)(B) requires the Administrator to provide reasonable opportunity to interested persons for a hearing on the rule and thereafter either promulgate the rule (as proposed or with modifications) or revoke it. The subsection requires the Administrator to commence a hearing within 5 days from the date of the¹ The rule refers to the company by its former name, Vertac, Inc.

request for it unless the Administrator and the person requesting the hearing agree upon a later date. The subsection also requires the Administrator to promulgate or revoke the proposed rule within 10 days of the conclusion of the hearing.

B. Informal Hearing

EPA originally established a sixty day comment period on this immediately effective proposed rule, after which it intended to hold an informal hearing pursuant to section 6(c)(2) and (3) and 40 CFR Part 750. On Friday, April 11, 1980, the EPA received a written request from Vertac to commence an expedited hearing pursuant to section 6(d)(2)(B) of TSCA. Accordingly, EPA is commencing such a hearing. EPA intends to conduct this hearing in accordance with Procedures for Rulemaking under section 6 of TSCA, 40 CFR Part 750, Subpart A, with certain abbreviated time requirements for the expedited hearing.

On April 15, 1980, EPA informed the Vertac Chemical Corporation and other interested persons who could be immediately identified that EPA was commencing the expedited public hearing in accordance with Vertac's request at 9:00 a.m. Wednesday, April 16, and that EPA would begin to receive testimony from interested persons who wished to comment on the immediately effective proposed rule. EPA has conducted this April 16th session as a legislative hearing pursuant to 40 CFR 750.7.

EPA realizes that many persons who have not received notice of this hearing may have an interest in the rule and may have intended to submit comments on it before May 12, 1980, the original closing date for the comment period. In order to ensure that these persons are not denied the right to comment and participate in an informal hearing, EPA will hold open this expedited hearing until at least May 1, 1980. While this response period is brief, it is necessary to ensure an expedited decision on the rule.

EPA has therefore scheduled an additional day of legislative hearings on May 1, 1980, beginning at 9:00 a.m. in Room M3906. All persons who wish to participate in the May 1st proceeding must submit written requests to do so. Written requests should indicate the interest of the person in the proceedings, an outline of the points to be addressed, an estimate of the time required for the presentation, and a nonbinding list of the persons to take part in the presentation. While EPA would hope to receive written requests to participate as early as possible, it recognizes that

the expedited nature of this proceeding may make it difficult for persons to provide EPA with ample prior notice. EPA will therefore accept written requests to participate in the May 1st hearing up to 5:00 p.m. on April 30, 1980, and will permit persons who fail to submit written requests to testify to the extent feasible.

EPA will make available in the Public Record a verbatim transcript of the proceedings within 1 day of the conclusion of the informal legislative hearing. Persons who wish to review any written evidence or oral testimony presented at the legislative hearing should consult this transcript.

C. Cross-Examination

After the close of the legislative hearing, any participant in the hearing may submit a written request for cross-examination. All requests to cross-examine and all cross-examinations shall conform to the requirements of EPA's Procedures for Rulemaking under Section 6, 40 CFR 750.8. EPA has, however, shortened the applicable time periods for this expedited hearing. All requests must be submitted in writing within 3 days after EPA has placed in the Public Record a verbatim transcript of the legislative hearing.

Within 3 days of receiving all requests, EPA shall rule on them, specifying in the ruling the issues for which cross-examination is granted, the persons to be cross-examined on each issue, the persons allowed to conduct cross-examination, and the time limits for the examination on each issue. Persons who submitted requests and who wish information on these rulings may call Mr. Gordon Olson at (202) 755-1260. EPA shall also place all rulings in the Public Record, and shall serve them by mail on all persons who requested cross-examinations.

The EPA will commence the hearing for cross-examination 3 days after granting all requests. The hearing shall continue until all necessary cross-examinations are completed.

D. Comment Period

The public comment period on this immediately effective proposed rule and on all information contained in the Public Record for this rule shall close at 5:00 p.m. on the fifth day after the official conclusion of the cross-examination hearings. The Chairperson of the hearing panel will officially conclude the hearing after the last witness has presented testimony and all cross-examinations are completed. Persons who wish to follow the progress of the hearing in order to determine the final date for submitting comments

should contact Mr. Gordon Olson at (202) 755-1260.

Within 10 days after the formal conclusion of the hearing EPA, pursuant to section 6(d)(2)(B), shall either promulgate the rule (as proposed or with modifications) or revoke it.

(Sec. 6, 90 Stat. 2020; 15 U.S.C. 2605)

Dated: April 16, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-12098 Filed 4-17-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Parts 74 and 405

Clinical Laboratories; Personnel Standards; Public Meeting—Call for Comments on Specified Issues

AGENCY: Center for Disease Control, Public Health Service, HEW.

ACTION: Notice of public meeting—call for comments.

SUMMARY: On October 12, 1979, the Department published a Notice of Proposed Rulemaking (NPRM) in the *Federal Register* (44 FR 58923) with respect to proposed rules applicable to directors, technical supervisors, bench supervisors, technologists, and cytotechnologists in all laboratories, including those in hospitals which are licensed under the Clinical Laboratories Improvement Act of 1967 or certified for reimbursement under the Social Security Act. A few minor corrections to this NPRM were published in the *Federal Register* on October 23, 1979 (44 FR 61059). As requested, many constructive comments on the NPRM were submitted. However, to further assist the Department in the regulatory process, additional data, as discussed under SUPPLEMENTARY INFORMATION, are being sought. Following receipt of the requested data, an agenda will be prepared for a public meeting to be held at the Center for Disease Control, Atlanta, Georgia, June 9-11, 1980.

DATE: Comments, or outlines of comments, must be received on or before May 9, 1980.

ADDRESSES: Comments, data, or inquiries may be submitted to Dr. Roslyn Q. Robinson, Director, Bureau of Laboratories, Center for Disease Control, Atlanta, Georgia 30333.

The public meeting will be held at the Center for Disease Control, Auditorium

B, 1600 Clifton Road, N.E., Atlanta, Georgia, beginning at 8 a.m. each day.

FOR FURTHER INFORMATION CONTACT: Dr. Louis C. LaMotte, (404) 329-3824 or FTS 236-3824.

SUPPLEMENTARY INFORMATION:

Background

The background information in the NPRM of October 12, 1979, is still current and provides useful information with respect to divisions of program responsibilities among the Health Care Financing Administration, the Public Health Service, and the Center for Disease Control.

The licensure program for clinical laboratories in interstate commerce was established by Section 353 of the Public Health Service Act (42 U.S.C. 263a) enacted by the Clinical Laboratories Improvement Act of 1967, Pub. L. 90-174. The implementing regulations for this Act are stated in Part 74, Title 42, of the Code of Federal Regulations. Departmental authority with respect to the setting of standards for independent and hospital laboratories is stated at Section 1861(s) (3), (10), and (11) and at Section 1861(e)(9) of the Social Security Act (42 U.S.C. 1395x(s) (3), (10), and (11) and 42 U.S.C. 1395x(e)(9)). The implementing regulations for the cited provisions of the Social Security Act are stated in Part 405, Title 42, of the Code of Federal Regulations.

Prior Proceedings

On June 22, 1976, the Department published a Notice of Intent to revise these standards (41 FR 25043). A public meeting was held on July 21, 1976, at Public Health Service headquarters in Rockville, Maryland, to receive oral comments. The views expressed in oral and written comments varied. Some people urged greater reliance on formal educational requirements for all levels of laboratory personnel, and some urged that requirements for all personnel categories except that of laboratory director be eliminated.

Approximately 7,000 comments were received in response to the NPRM published on October 12, 1979. Many of these comments were quite constructive and useful. However, the Department still needs input, particularly from those organizations representing laboratory professionals and others with specific knowledge on this subject, which would assist in identifying more concisely the consensus which exist among the scientific community with respect to personnel standards. The Department will pay particular attention to date that are provided in support of a particular position. Equally important, the

Department wishes to identify more concisely areas of disagreement and the basis for such disagreement and, through a consensus development process, work toward mutually satisfactory positions.

Misinterpretations of the NPRM of October 12, 1979

There were several misinterpretations of the NPRM proposal that caused expressions of concern. For example, at Section 74.33(b), many respondents inferred that a separate individual would have to be hired as a technical supervisor for each specialty. The intent of the NPRM was to require only that the individual who provides technical supervision for a given specialty be qualified. A single individual, if qualified, could provide the technical supervision for all specialties.

A similar misinterpretation caused concern with respect to Section 74.33(c) regarding the bench supervisor. In a large departmentalized laboratory, it is quite likely that there would be more than one bench supervisor providing supervision in specific specialties. However, in a small nondepartmentalized hospital laboratory, a single experienced medical technologist could provide bench supervision for all laboratory tests performed in that laboratory.

Another point about which there was major objection was the interpretation that the proposed standards applied to personnel in free-standing specialty laboratories such as acute care cardiopulmonary laboratories of research laboratories. It is not intended that the standards apply to such laboratories.

Separate Issue Needing No Additional Comments

It should be particularly noted that one issue in the NPRM of October 12, 1979, concerned the proposal that a person who is qualified as a bench supervisor be on duty for each shift. Objections to this proposal have been amply registered with the Department, and no further comments on this separate issue are requested in this call for comments.

Call for Comments

It is requested that professional organizations or other interested parties use the following outline to submit positions with respect to the education and/or experience requirements for various categories of clinical laboratory personnel.

1. a. Qualifications (education and/or experience, board certifications, other) of the person who is administratively

responsible for the entire laboratory and for its relationship with the clinical staff in the case of hospitals. This person is usually referred to as the director.

b. Qualifications for the person who is administratively responsible when the director is away. This has applicability in small rural hospitals in which the director/technical supervisor is present for only a few hours per week or per month. This person in different laboratories may be referred to as general supervisor or chief technologist or as the administrator director.

2. Qualifications (education and/or experience, board certifications, other) of the person(s) who provides the expert technical direction and supervision either on a full-time or part-time basis in one or more than one of the limited clinical laboratory disciplines. It is understood that the director may provide this technical direction if he or she is qualified in each discipline and, further, that a single qualified individual may provide technical direction to all disciplines. This paragraph is applicable primarily to larger laboratories that elect to hire laboratory scientists to serve under the director as a technical supervisor. Qualifications are requested for each of the specialties listed below:

- a. Microbiology
- b. Chemistry
- c. Diagnostic Immunology
- d. Hematology
- e. Immunohematology
- f. Histocompatibility
- g. Cytogenetics
- h. Histopathology
- i. Cytopathology

3. Qualifications (education and/or experience, board certifications, alternatives to formal education) of the person(s) whose primary duty station is the workbench and who provides day-to-day direct supervision and review of technicians and other workers in one or more than one of the clinical laboratory specialties. In a departmentalized laboratory, this person may be referred to as a section chief or department head. The term bench supervisor was used in the NPRM of October 12, 1979. List qualifications for each of the specialties listed in 2a. through i., above.

4. Qualifications (education and/or experience, board certifications, alternatives to formal education) of the person(s) who has no formal supervisory responsibilities but whose knowledge of laboratory tests and mastery of the basic sciences upon which laboratory tests are based is sufficient to permit him or her to work independently, i.e., without having the direct day-to-day supervision needed by less qualified workers. A person with these qualifications is ordinarily termed a

medical technologist. List qualifications for each of the specialties listed in 2a. through i., above.

5. Qualifications (education and/or experience, alternatives to formal education) of the person(s) who performs diagnostic tests among other duties in the clinical laboratory, under the supervision of a person qualified at minimum as a bench supervisor. A person with these qualifications is ordinarily termed a technician. List qualifications for each of the specialties listed in 2a. through i., above.

6. a. Qualifications (education and/or experience, alternatives to formal education) of the person who has acquired knowledge and unusual expertise in a limited, narrow specialty equivalent to or more extensive than that of the majority of medical technologists, who is able to work independently in that specialty, and might therefore be considered as a specialist technologist, limited to one or more specialties.

b. What term is recommended to describe such a person?

c. List qualifications for each of the specialties listed in 2a. through i., above.

7. a. Qualifications (education and/or experience) of a person who should be permitted to take a written examination in lieu of obtaining a formal education to qualify as a "technologist equivalent."

b. If the examination were carefully benchmarked at the level of knowledge of a graduate medical technologist with 3 years experience, and validated prior to use, would such an alternative be acceptable?

c. What term should be used to describe such a person?

d. What operational limitations, if any, should apply to such a person?

8. With respect to requirement for employment of personnel who meet the qualification standards for director/technical supervisor and bench supervisor, should there be special options applicable to the small rural hospital (defined as less than 100 beds located in a "rural" setting) so that a hospital could operate its laboratory without qualified supervisors? If so, should additional requirements

regarding quality of laboratory output be imposed and, if so, of what type?

9. The Department especially encourages the submission of any objective data or references to any controlled studies that would assist in supporting or rejecting the hypothesis that formally educated personnel have a depth of usable knowledge significantly greater than on-the-job trained personnel.

Development of Agenda for the Public Meeting

Based on comments, positions, data, and recommendations received, and agenda for the public meeting will be developed. A copy of this agenda will be mailed on or about May 23, 1980, to each organization or individual responding to the call for comments. The agenda will be available to others who request a copy. Please submit such requests in writings.

The public meeting is scheduled to be held June 9-11, 1980, beginning at 8 a.m. each day, in Auditorium B at the Center for Disease Control, 1600 Clifton Road, Atlanta, Georgia. The meeting will be open to anyone who cares to attend. However, only those organizations or individuals who have responded in writing will be provided time to make oral statements for the record. Additional information about the public meeting will be provided with a copy of the agenda when it is distributed.

Dated: April 15, 1980.

William C. Watson, Jr.
Acting Director, Center for Disease Control.

[FR Doc. 80-12024 Filed 4-17-80; 8:45 am]

BILLING CODE 4110-86-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 5780]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Town of Waterford, New London County, Conn., Correction

AGENCY: Federal Insurance

Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Waterford, New London County, Connecticut, previously published at 45 FR 13482 on February 29, 1980.

EFFECTIVE DATE: April 18, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of proposed determinations of base (100-year) flood elevations for selected locations in the Town of Waterford, New London County, Connecticut, previously published at 45 FR 13482 on February 29, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)) 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

Due to an engineering analysis, the location described as "3,970 feet upstream of collapsed bridge," under the Source of Flooding of Jordan Brook, has been changed. The location should read, "4,170 feet upstream of collapsed bridge." The corresponding elevation of 46 feet remains unchanged. The accompanying Flood Insurance Study (profile) and Flood Insurance Rate Map were correct as printed.

The listing appears correctly as follows:

State	City/town county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	Waterford, town, New London County.	Jordan Brook	4,170 feet upstream of collapsed bridge	*46

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: March 26, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-11917 Filed 4-17-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

45 CFR Part 1300

Consolidated Grants to Insular Areas

Correction

In FR Doc. 80-10359, appearing at 23474, in the issue of Monday, April 7, 1980, make the following corrections:

(1) On page 23474, in the first column under "EFFECTIVE DATE", the second line, delete the word "specified" and insert "accepted".

(2) On page 23475, in the second column, correct the section heading now reading:

"§ 1300. Use of consolidated grant funds."
to read

"§ 1300.6 Use of consolidated grant funds."

(3) On page 23475, the second column, the third full paragraph down, designated as paragraph (b) of corrected § 1300.6, the third line down correct "an" to read "any".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-130; FCC 80-168]

Amendment of Policies and Procedures for Amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules

PREAMBLE

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry and notice of proposed rulemaking.

SUMMARY: Commission proposes to amend its policies and procedures governing the handling of petitions for

rule making to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. This subject has had no overall review since the present approach was established in a proceeding begun 18 years ago. The situation has changed greatly over the years and we wish to be in a position to enhance diversity by responding to the demand for additional service in as prompt and efficient a fashion as possible.

DATES: Comments must be received on or before May 27, 1980 and Reply Comments must be received on or before June 11, 1980.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jonathan David, Broadcast Bureau, Policies & Rules Division, (202) 632-7792.

Adopted: March 27, 1980.

Released: April 16, 1980.

By the Commission: Commissioner Lee absent; Commissioner Brown issuing a separate statement.

Introduction

In the Matter of Amendment of Policies and Procedures for Amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules; BC Docket No. 80-130, Notice of Inquiry and Notice of proposed Rule Making.

1. This proceeding is designed to examine various aspects of our treatment of rule making proposals to amend the FM Table of Assignment.^{1 2}

¹In addition, we are considering in BC Docket 80-90 (45 FR 17602, March 19, 1980), important changes in the structure of the Table or the engineering standards that govern the making of an assignment. They are RM-2587, filed by Laurinburg Broadcasting Co.; RM-3226, filed by Serge Bergen and; RM-3367, filed by National Telecommunications and Information Administration. These petitions raise important questions which are being dealt with in a separate proceeding begun today. The central thrust of that proceeding is the possibility of amending the rules to permit making Class A assignments on Class B/C channels, establishing two additional classes of stations and the modification of the distance separation table to reflect these changes. If such changes were made, it would permit making additional assignments, a number of them in areas now completely saturated. Such a step would make the updating of procedures as we propose here all the more important.

²The FM band is divided into 100 channels each 200 kHz wide. The lowest 20 of the 100 are reserved for noncommercial educational use. Twenty of the remaining 80 are allocated for use by low-power Class A stations. The remaining 60 channels were allocated for use by higher-powered Class B/C channels. In 1945, at the time of the shift of the service to its present band, the Commission put into effect a tentative table of assignments, under which particular FM channels were assigned to particular cities. This approach was abandoned in 1958, only to be reinstated in 1963 when the present Table system was adopted. We believe circumstances justify continued use of the Table system.

This subject has had no overall review since the present approach was established in a proceeding begun 18 years ago. The situation has changed greatly over the years and we wish to be in a position to enhance diversity by responding to the demand for additional service in as prompt and efficient a fashion as possible. In the almost two decades since the earlier proceeding began, many basic changes have taken place, and our recognition of these developments demands consideration of appropriate Commission responses. Our experience in handling petitions to modify the FM Table has made it possible to identify some specific areas in which a change seems warranted. We are therefore making specific proposals for changes in those policies. We also recognize that there may be a number of other possible changes which would need to be made. Therefore, we welcome other suggestions on how to update and streamline our procedures.

2. Although many of the policies we are considering do not have the status of rules, they have been employed with regularity in the FM rule making process. For that reason we believe it appropriate to invite public comment in response to this *Notice of Inquiry*. In that way we can have the benefit of these comments when formulating a policy statement in this proceeding. One aspect of this proceeding (the procedural matters discussed in paragraph 28) does involve rule making, and for that reason, this document is also denominated as a *Notice of Proposed Rule Making*. The *ex parte* rules, of course, only apply to this latter aspect and not to the policy questions which are part of the *Inquiry*.

3. Some background is necessary for an understanding of the present situation. Although (as mentioned in footnote 2), the Commission experimented with an early FM Table of Assignments, it was abandoned in 1945. At that point, FM applications were being processed on a demand basis. Under that procedure, an applicant requests a particular frequency, and (provided the proposed operation will provide the necessary coverage to the community of assignment and the applicant is otherwise qualified), the application is granted if no interference is caused within the 1 mV/m contour of an existing station, or if, on balance, it appears that such interference is outweighed by the benefits from the new service. Under the demand system, the Commission found that the flow of applications was slow except in a few major cities, in which all available

Accordingly, we will not herein consider abandonment of that system.

channels became occupied quite quickly, but other cities of substantial size were being precluded from ever obtaining a channel. The distribution of stations did not seem to be fair, equitable or, for that matter, efficient. Indeed, these are the touchstone requirements that govern the Commission's assignment of frequencies.³ This situation troubled the Commission and it decided to explore ways to improve assignment practices and policies. For this purpose the proceeding in Docket No. 14185 was begun. *Notice of Inquiry, Notice of Proposed Rule Making and Memorandum Opinion and Order*, FCC 61 833 26 FR 6130 (adopted June 21, 1961, and issued July 5, 1961).

4. At that time, the Commission indicated that there were two general questions which it believed required examination: (1) whether the demand system of station assignments was the one best suited to optimum development of this important broadcast service, or, if not, what changes should be instituted; and (2) how the development and expansion of the FM service could be achieved without the serious administrative burdens and great delays inherent in present AM broadcast station assignment principles.

5. The objectives of the Commission set forth in the *Notice* were the same ones which had been used to govern AM assignment practices.⁴

*Provision of some service of satisfactory signal strength to all areas of the country;

*Provision of as many program choices to as many listeners as possible; and

*Service of local origin to as many communities as possible.

The Commission summed up its views about how best to achieve these objectives in this way:

"If these objectives—whatever relative importance they may have to each other in any particular situation—are to be furthered to the greatest possible extent, it is imperative that a plan for channel usage be formulated with these objectives in mind and that its operation be continually subject to surveillance to assess the extent to which it

is achieving these objectives. [Emphasis supplied.]⁵

6. The Commission had become concerned that continued use of the demand system might make it harder to fulfill the assignment objectives the Commission had established.⁶ It pointed to the pattern of assignments which had developed and noted the fact that the geographic and frequency separations between stations often were the product of happenstance. This meant that many were geographically closer to each other than they ought to be, with the result that the effective service area of each was curtailed. In many other cases, the geographical or frequency separation was excessive. This meant that gross inefficiencies occurred as the stations were further apart than necessary but not far enough apart to allow a station to be established between them. To meet this problem, the Commission proposed⁷ and later adopted⁸ a Table of Assignments. Specific channels were assigned to individual communities based on mileage separation standards⁹ for particular classes of channels and for particular assignments on them.

7. When the Commission adopted the Table of Assignments in 1963, there was doubt that anyone other than an AM licensee would have an interest in establishing an FM operation.¹⁰ In the 1961 *Notice* the Commission said: "The relatively small number of FM receivers as compared to AM receivers still remains a problem in connection with

³ Although the Commission had hoped to be able to do such continuing surveillance, most of its energies have been directed to the day-to-day efforts involved in processing petitions and applications. Recently, the Commission has established a Task Force to speed the processing of assignment petitions. Simultaneously, we intend to explore possible structural reform in this proceeding.

⁴ The Commission summed up its belief that changes were needed as follows: "[T]he more or less random basis of making assignments does not appear to have resulted, or to be likely to result in the future, in an over-all pattern of assignments which is reasonably near to the degree of efficiency which must be sought. It appears that a more rational basis—reasonably related to the degree of protection which stations of various classes should be afforded—is to be desired." (At paragraph 14.)

⁵ Second Further Notice of Proposed Rule Making, 40 FCC 728 (1962).

⁶ Third Report, Memorandum Opinion and Order, 40 FCC 747 (1963).

⁷ These standards contained a series of separation requirements between assignments on the same channel and on adjacent channels. They varied with the class of station and the frequency separation involved.

⁸ It was for this reason that the Commission assigned FM channels to localities because they had an AM station already. The thinking was that the AM licensee (who could reduce costs by duplicating programming) would seek to use the FM channel. In effect, the Commission accepted the drawbacks of duplication and multiple ownership in order to get stations on the air sooner. There is reason to question whether such efforts are needed now.

the development of FM service." (At paragraph 9.) In paragraph 10, the Commission observed that an area of more than 1,700,000 square miles which contained more than 25,000,000 persons received no primary AM service during nighttime hours. The Commission thought that for economic reasons, the potential for FM assignments to serve these areas was limited, but it was hoped that some contribution could be made if the FM band is properly utilized.

8. The present situation is a far different one. FM channels are being activated all over the country, in small rural towns as well as larger cities. This is a good part of the reason that the current nighttime unserved population is now estimated to have dropped well under 4,000,000.

9. As a result of these developments, we believe that various aspects of our treatment of FM assignment cases needs to be reconsidered. Standards and policies designed to foster the orderly development of the infant FM band may be no longer necessary under current circumstances. In fact, their present application could be counter productive by substantially delaying the institution of a new service, even in the absence of any conflicting proposal for the institution of another service. In such instances, questions such as the definition of a community, the Commission's population criteria, the appropriate class of channel and preclusion of possible future assignments have substantially delayed Commission action on assignment requests an required the possibly needless expenditure of Commission and licensee resources.¹¹ Even in situations where we must choose between two or more conflicting requests for a channel assignment, updating of the FM priorities appears warranted.¹²

10. Our review will take the form of consideration of existing policies and their continued viability in cases which are unopposed and in those instances where we are called upon to make a choice between various proposals. We will attempt to establish a procedure which will eliminate unnecessary submissions in the former situation but provide for gathering sufficient information to make an informed, rational decision in the latter.

Discussion

FM Priorities. 11. The first aspect we wish to consider is that of the FM

¹¹ These subjects are discussed *infra* at paragraphs 14, 16, 18 and 22 respectively.

¹² This matter is discussed at paragraphs 10-15, *infra*.

³ These requirements are expressed in Section 307(b) of the Communications Act, which provides: "In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequency, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same." (Emphasis supplied.)

⁴ See paragraph 6 of the *Notice*. Although the methodologies of implementing these objectives varied, the Commission saw them as applying to both aural media.

priorities. These priorities played an important role in the development of the original Table and they have been used since then as a guide in choosing between conflicting proposals. The priorities were first set out in the 1962 *Further Notice of Proposed Rule Making* in Docket No. 14185, and it was later incorporated by reference in paragraph 25 of the Third Report, Memorandum Opinion and Order, the document which adopted the Table (40 FCC 747 (1963)). These priorities are as follows:

(1) Provision for all existing FM stations.

(2) Provision of a first FM service to as much of the population of the United States as possible; particularly that portion of the population which receives no primary AM service nighttime.

(3) Insofar as possible, to provide each community with at least one FM broadcast station, especially where the community has only a daytime-only or local (Class IV) AM station, and especially where the community is outside of an urbanized area.

(4) To provide a choice of at least two FM services to as much of the population of the United States as possible, especially where there is no primary AM service available.

(5) To provide, in all communities which appear to be of enough size (or to be located in areas with enough population) to support two local stations, two local FM stations, especially where the community is outside of an urbanized area.

(6) To provide a substitute for AM operation which, because they are daytime-only or suffer serious interference at night, are marginal from a technical standpoint.

(7) Channels unassigned under the foregoing priorities will be assigned to the various communities on the basis of their size, location with respect to other communities, and the number of outside services available.

12. *First and Second Service.* The first of these priorities is not applicable now, as provision long ago was made for all existing FM stations. As a result, Priority (2) has become the principal focus. Obviously, it is important that as many people as possible receive at least one, or even two radio signals dependably. Originally, the priorities were expressed in terms of FM service, but they have since been expanded to include AM nighttime service as well. See *Anamosa and Iowa City, Iowa*, 46 FCC 2d 520 (1974). Therefore, priorities (2) and (4) should be revised to consider both AM and FM service. However, the provision of a first or second fulltime service does not appear to be a relevant

criterion in a non-comparative context. Unlike comparative cases which are judged in terms of which would bring the greater amount of first or second service, the single proposal case involves no such choice. Even without first or second service the proposal leads to greater diversity. Ordinarily, then, when a petition is filed there is no need for a showing of first or second fulltime aural service. Such showing would only be necessary if a conflict between petitions developed. There are several ways to handle this matter. Tentatively, we propose that where the counterproposal is filed before we issue a Notice of Proposed Rule Making, any needed information will be requested in that Notice. Where the conflict develops after the Notice of Proposed Rules Making is issued, by virtue of a counterproposal, the party filing that counterproposal must make the requisite aural services showing.¹³ The original petitioner would then be expected to provide its own showing (if it had not done so earlier).¹⁴ In comparing conflicting proposals, the amounts of third, fourth and even fifth service may also be relevant, although clearly they would carry lesser weight. Such showings would be optional on the part of petitioners, and no separate priorities appear necessary. Instead, the catch-all phrasing of the existing priority (now number 7) appears appropriate to use. It would call for an overall comparison of conflicting proposals that involve no first or second aural service.

13. *First and Second Local Service.* In comparing conflicting proposals, we have also accorded high priority to providing a local service to each community if that is possible (current Priority 3) or even a second local service to that community if it is warranted (current Priority 5). However, we have long recognized that there are and likely always will be thousands of small communities that lack their own station. Under present circumstances it is unrealistic to operate on the belief that all could get channels. Yet, that seems to be the premise of our existing priorities. As a consequence, a party is encouraged to select a community without an assignment as the locality for the proposed assignment. While first local service is important, the town may be selected not because of its needs but because of its importance in the current priorities which make no attempt to incorporate relative need for the

assignment in the particular community. As we observed in *Anamosa-Iowa City*.

"In fact, in some situations, using the strict order of priorities leads to anomalous results. Thus, applying them literally the result would be that any community, even one of only 100 persons seeking a first channel would automatically succeed in preference to a second channel to a city of 1,000,000 that would bring a second service to 4,000,000 people." 46 FCC 2d 520 (at 525).

Although the Commission's response in that instance was to make it clear that the priorities would not be applied rigidly, the system of priorities itself remained unchanged. We are now of the view that a further step should be considered.

14. We now propose to consider first local service as a priority equal to second aural service. Although it is listed as part of the third priority (see para. 15, *infra.*), the number of persons getting a first local service would be compared to the number of persons getting a second aural service in our decisions on conflicting assignments. Further, we propose to delete second local service as a discrete priority, although that factor will be considered, where necessary, under a catch-all priority proposed below.

15. *Community.* Over the years, the Commission has had considerable difficulty in defining what a community is and recognizing one when it saw it. When the community was an incorporated municipality, it was simple enough, but the Commission's definition of a community was not limited to incorporated places. Instead, the test of community turned on whether there was a coalescing of interests on the part of a population grouping being there. Did they think of themselves as constituting a community, a situation that can be assumed in incorporated places. However, it also can be found in unincorporated places. In place of the present approach which often entails the filing of voluminous materials in order to demonstrate community status, we propose a simplified approach. Under it, any legitimate population grouping would be considered as a community. Community is used here in the geographic sense, and it is not intended to refer to a community within a community.

The issue of service to such a group of people may well be an appropriate one to explore but in connection with a specific application proposing such service rather than in the assignment process.

16. As proposed, then, FM assignments cases requiring a comparison of proposals would be decided under four priorities:

¹³ Under our present procedures, counterproposals must be filed by the deadline for comments in a Notice of Proposed Rule Making.

¹⁴ Such a showing may have been provided because another conflicting petition had been filed at an earlier stage of the proceeding.

- (1) First aural fulltime service.
- (2) Second aural fulltime service.
- (3) First local service.
- (4) A catch-all priority for other public interest matters.

Population Criteria. 17. In the same *Further Notice* in which the priorities were mentioned, the Commission also set forth the population criteria which were to be used as a basis for making the original assignments. In the years which followed, the Commission made it clear that these population criteria were not designed to be rigidly employed. Rather, they were designed to indicate, in a general way, how many FM channels would be a reasonable complement to a community of a given size. Nonetheless, the guidelines did provide a standard against which proposals were judged. Under it, a city or town under 50,000 could expect up to 1 or 2 channels, whereas one of 50,000 to 100,000 could expect 2 to 4 channels. A city whose population was between 100,000 and 250,000, could expect 4 to 6, one over 250,000 to 1,000,000 could expect 6 to 10, and for cities over 1,000,000, 10 to 15 assignments could be expected. These guidelines have, in a sense, created a hurdle to be overcome by the petitioner if the city has reached its complement of assignments, and these hurdles have introduced distortions in the designation of the locality to be served by a petitioner. For example, specifying a community with a full complement of assignments requires additional showings in a non-comparative proceeding and could disadvantage a petitioner in the face of a counterproposal for another community without a full complement of assignments. Faced with this dilemma, a petitioner might specify another community without its full complement of assignments, thereby either abandoning its original community or intending to serve it from a nearby suburban location.

18. Even beyond the distortions thereby introduced, we believe that the guidelines were originally developed to preserve some channels for smaller cities which did not enjoy significant FM activities in the early years of the service. The guidelines would also serve to preserve channels for communities, too small for a station in the past, that experienced substantial growth in recent years. In either event, we believe that the guidelines have served their purpose, and, in the current state of FM development, a preservationist philosophy appears misplaced.¹⁵ Accordingly, we propose

abandonment of the population guidelines in Table of Assignment cases. This is not an abrupt departure because in various cases waivers have been made granting assignments in excess of those specified in the criteria.

Appropriate Class of Channel. 19. The commercial portion of the FM band contains 80 channels. Twenty are allocated for use by low-power "Class A" stations. The remaining 60 channels were allocated for use by higher-powered "Class B/C" stations. In the *Further Notice* in Docket 14185, the Commission indicated that smaller communities ordinarily would be assigned Class A rather than Class B/C channels. The Class B/C channels would be assigned to larger communities or to smaller localities if special circumstances applied. This view was reflected in the actual adoption of the final Table.¹⁶ In the years since then we have assigned Class B/C channels only to larger towns or when a showing of a need for that channel has been made. Although there was a logic in relating the size of the community to the channel we assigned, it is by no means clear that the Commission still needs to be guided by such a standard. In many areas, it is just these Class B/C assignments that are needed in smaller towns if service is to be provided to the areas now lacking at least a minimum number of services.

20. In addition to the Commission's policy regarding the appropriate class of channel to assign to a community of a particular size, it has a related policy which is designed to prevent assigning two different classes of channels to a particular locality. The concern does not stem from the fact that one of the assignments in question seems inappropriate to the town's size. Rather, it seems to rest on the concern that a Class B/C channel would have an unfair competitive advantage over the existing Class A station. In effect, then, the policy is really designed to prevent Class B or C assignments in communities which have Class A stations in operation. We have usually agreed to the assignment of a Class A channel to a city then having only Class B or C assignments, but absent an unusually persuasive showing of some overriding public interest benefit such as extensive first fulltime aural service, the Commission declined to assign a Class B or C channel to a community with an existing Class A channel—see *Rome*,

New York, 43 FR 10343, FCC 78-157 (1978).

21. Although prediction is difficult, there are reasons to believe that concern over the welfare of the existing Class A operation is misplaced. Judging by the frequent willingness of parties to accept a Class A channel to use in competition with existing Class B/C stations, Class A operations may not need our protection.¹⁷ It should be borne in mind that in the intermixture cases involving adding a Class B/C channel, the Class A station will have the competitive benefit of already having established itself in the market, and the exiting licensee could apply for the new channel. Moreover, we question whether the public benefits from such a policy against intermixture when it has the effect of limiting the number of stations available to the listener.

Berwick Issue¹⁸

22. In rule making, this issue is said to arise when someone proposes the assignment of a channel for a particular locality and it appears that the petitioner's real purpose may be to serve another nearby larger community. No doubt this does occur from time to time, but when it does, it is because the petitioner did not directly propose the larger city. There are a number of reasons, including quite innocent ones, which can bring this about. For example, assigning the channel to the larger city might conflict with the number allowed by the population criteria. It may also be that spacing requirements necessitate use of a site far enough outside the larger city that it could not be served with the required city-grade signal. Whether the reasons are these or others, raising the *Berwick* issue in the assignment context puts the Commission in the position of second-guessing the petitioner and of attempting to divine whether the petitioner's aim is really as it is stated to be. Even if it is true that the station intends to compete in the metropolitan market, this does not mean that it would not be able to offer programming responsive to the needs of this smaller locality. However it develops in practice, the result of using this issue has been to raise an impediment to the establishment of new services even though someone is ready to provide such service. It does not seem to us that our present approach serves the public interest. It does not appear that the *Berwick* issue has been a

can be significant, but this is a separate issue we will discuss below.

¹⁶ See paragraph 25 of the *Third Report, Memorandum Opinion and Order*, 40 FCC 747 (at 758).

¹⁷ Of course, the ultimate adoption of the Laurinburg proposal may limit the number and severity in which this problem arises. See footnotes 2 and 3, *supra*.

¹⁸ *Berwick Broadcasting Corporation*, 12 FCC 2d 8 (1968) *aff'd* 20 FCC 2d 396 (1969).

¹⁵ On occasion, the impact of the proposed assignment in precluding assignments elsewhere

valuable tool, nor has it brought about a situation in which stations are assigned on a more logical basis. Nor is it clear that they are more likely to provide service designed for the locality to which they are assigned than would otherwise be the case. For these reasons, we no longer believe that continued use of the *Berwick* issue is appropriate in rule making. This, of course, does not change the Commission's way of treating this matter in connection with the processing of applications for use of the channel.

Preclusion¹⁹

23. In the early stages of FM development, it made sense for the Commission to decline to make assignments if the effect would be to preclude the making of an assignment in another, quite possibly more deserving locality, even if no interest in that community had yet developed. Now that FM has matured, we believe it is no longer appropriate to mortgage the present for the theoretical future. However, preclusion retains significance. We propose to continue the use of preclusion studies to insure that the channel selected is the least preclusive one available in the community to be served. The Commission would conduct its own computer study and would assign the least preclusive channel available.

24. Even under these circumstances, the proposed channel may preclude the last possible FM assignment in some communities of some size. In such a case, we could expand our notification procedures to insure that significant precluded communities without any existing fulltime service are notified. Time would then be afforded to provide interested groups with the opportunity to come forward and request the assignment of the channel in those communities and give the requisite commitment to apply for the channel if it were assigned. Against the theoretical benefits we would have to weigh the administrative costs and delays which would be involved. Specifically, comments are invited on whether to use preclusion in this way and if so on the standard to be used to determine whether a precluded community is substantial enough to warrant further action, the means of notification which would be appropriate, and the time limits for filing a counterproposal.

¹⁹ Except for first assignment of Class A FM channels, petitioners are now required to show what other assignments would be precluded and are asked to find substitute channels which could be assigned to such of these precluded communities as do not already have local outlets.

Miscellaneous Matters

25. In non-comparative cases, petitioners are called upon to show not only that the proposed location of the channel assignment is a community of some sort, but that it needs the assignment. To establish that it does, the petitioner informs the Commission at great length about such things as industries, major businesses, tourist attractions, etc. However, we now question whether there is any valid reason for the Commission to require the submission of this demographic data. If the petitioner believes that the service is needed and advertising support for it could be generated, there is no reason for the Commission to raise artificial obstacles on this account. In cases where the place's status as a community is clear, there should be no need to submit demographic data at all. Even in cases where some question might exist, we need only be given brief showings on which to conclude that there is a need for a station at the designated location.

26. Also, the Commission has refrained from assigning a channel to a community in order to avoid the holding of a comparative hearing between competing applicants for the one available channel. The effect of this requirement is to compel parties to finish their jousting through hearing before the loser could again return to the Commission to again seek a channel.²⁰ However, if two parties are interested in obtaining a station for a locality and each is ready to operate in the competitive environment that exists there, the Commission should not invent hurdles for either to overcome. This does not mean that the Commission would ignore instances where it may be more appropriate to assign this channel elsewhere. Another, more deserving proposal may be put forward that should be favored. That may well be, but it does not require use of the present policy to make this possible.

Conclusion

27. The discussion has focused on a number of areas where streamlining and updating appears to be needed. We intend to explore these and other possible proposals through the rule making process. Comments on our proposals and the reasons underlying them are invited. We also solicit other suggestions about similar substantive improvements that would help us streamline the FM assignment process. These new policies would then form the

²⁰ Alternatively, it could abandon its comparative hearing rights and take its chances on obtaining a second assignment.

basis for the issuance of a policy statement.

28. Finally, there also is a way of bringing improvement to the procedural aspect as well. Under the present rules, after the FM petition is filed, it is studied to determine whether it is acceptable for filing. If additional information is needed, acceptance is postponed while a letter is sent seeking that information. Then, when the petition is found to be acceptable, we issue a Public Notice indicating that it has been accepted for filing and that an RM number has been given to it. Thereafter, the Commission's rules provide a period for filing responses to the petition and after that a period for filing replies to the responses. It is only at the end of this lengthy process that a Notice of Proposed Rule Making would be issued. This seems an unnecessarily cumbersome process to follow in assignment cases. Unlike the general rule making area, there seems to be little value here in these added steps. For that reason, we are proposing to delete this unnecessary step of inviting responses and replies to the petition. Instead, we propose to use the notice of Proposed Rule Making as the vehicle to indicate our intention to consider the proposal. The RM number could be assigned in that document. The Notice can also be used as the vehicle for obtaining any additional information from the petitioner. It may well be that other improvements in the procedures could be made and we are eager to have all useful suggestions before us to consider in the procedural area as well.

29. This action is taken pursuant to authority found in Sections 4(i), 303(g) and (r), 307(b) and 403 of the Communications Act of 1934, as amended.

30. Pursuant to procedures set forth in §§ 1.4, 1.46, and 1.415 of the Commission's Rules, interested parties may file comments on or before May 27, 1980, and reply comments on or before June 11, 1980. The Commission will consider all relevant and timely comments and reply comments before taking final action in this proceeding.

31. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and five copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number, including the entire designation (BC Docket No. 80-130) in the heading. Anyone can examine the documents filed in this proceeding during regular business hours in the Commission's Public Reference Room at

its headquarters, 1919 M Street, NW., Washington, DC 20554.

32. For further information concerning this proceeding, contact Jonathan David, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, *ex parte* contacts presented to the Commission in proceedings such as this one will be disclosed in the public docket file. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation requested by the Commission. If a member of the public does not wish to comment on the merits of this proceeding in this manner, he or she should follow the Commission's procedures governing *ex parte* contacts in informal rule making. A summary of these procedures is available from the Commission's Consumer Assistance Office, Federal Communications Commission, Washington, DC 20554 (202 632-7000).

Federal Communications Commission.²¹
William J. Tricarico,
Secretary.

Separate Statement of Commissioner Tyrone Brown

In re Notice of Inquiry and Proposed Rulemaking to Amend Policies and Procedures for Amending the FM Table of Assignments

Today's proposed action is not intended as a radical departure, but as an evolutionary adjustment of the priorities adopted seventeen years ago to govern the granting of FM assignments. If adopted, the policies set out for inquiry will have a greater impact on the speed at which petitions to amend the FM Table of Assignments are processed than on the outcome of those petitions.

In the past, where a strict application of our stated priorities would lead to anomalous results, the Commission has altered those priorities on an *ad hoc* basis so as to best serve the public interest.²² The formal adjustment of those priorities, proposed here, would in most instances simply make our current policies more explicit.

There is no reason to expect that under the proposed priorities, large urban areas would be granted additional assignments at the expense of smaller communities. All of the major markets are already saturated. Most of the assignments at issue here would be to small cities, usually in preference to even smaller communities that after seventeen years still have expressed no interest in an FM assignment. Any community that is potentially precluded would have the

opportunity to petition for the assignment. Furthermore, if the rules proposed in Broadcast Docket No. 80-90²³ are adopted, additional assignments would be made available to areas of low population density.

The elimination of certain types of issues in assignment proceedings—status of community, appropriate class of channel, population criteria, and the "Berwick" issue²⁴—should result in important savings of time and money to both petitioners and the Commission. In the Broadcast Bureau's experience, consideration of these issues can double the number of months it takes to process petitions, with no significant resultant public benefit. Existing broadcasters, fearing competition, will often raise these issues with the knowledge that if they cannot prevent competition, they can at least delay it for a substantial amount of time.²⁵

Preclusion issues will still be considered, but the time should be reduced by utilizing a computer program.²⁶ Petitioners will be relieved of unnecessary paperwork, such as documentation of community status, and overall processing time will be reduced by instituting a single response period.

In conclusion, the proposals introduced today for comment do not abandon the long-standing Commission policy of providing local aural service to as many communities as possible. Rather, they represent an attempt to simplify and speed up a process that after seventeen years, is in need of some fine tuning. The changes proposed here derive from the Broadcast Bureau's experience in processing petitions under the existing rules. We welcome any other suggestions and comments on how this procedure could be improved.

[FR Doc. 80-12022 Filed 4-17-80; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Chapter X, Subchapter B

[Ex Parte No. 55 (Sub-No. 38F)]

Antitrust and Competition Factors in Motor Carrier Finance Cases

AGENCY: Interstate Commerce Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This "advance notice of proposed rulemaking" (ANPR) invites

²¹ Public Notice No. 15546, February 28, 1980.

²² The Berwick issue initially arose in a licensing proceeding. *Berwick Broadcasting Corp.*, 12 FCC 2d 8(1968), *aff'd* 20 FCC 2d 396(1969). Its purpose—to ensure that a radio station serves the area of license—is better accomplished in the licensing process, than in an assignment context.

²³ Our staff reports that of the 204 pending cases involving petitions to amend the FM Table of Assignments, 68(33%) were opposed, and 23(11.5%) of those oppositions came from competing broadcasters. When a petition is contested attorneys rather than paralegals are required to process the petition. Thus, reducing the grounds for contesting petitions will result in attorney resources being made available for other matters.

²⁴ It takes two full days to conduct a preclusion study, under the present ("by hand") procedures.

public comment on a proposed Commission policy analysis into the role of antitrust and competition factors in motor carrier finance proceedings under 49 U.S.C. 11343-44.

Specifically, the Commission is considering three interrelated changes in its current practices in this area: (1) Revising certain motor finance applications (Forms OP-F-44 and OP-F-45); (2) developing a policy statement and guidelines in this area; and (3) subjecting those transactions with compelling public interest and competitive consequences to a more complete agency review, with the balance of motor finance proposals being allowed to go into effect without extensive agency review.

These changes are designed to streamline the case processing system for relatively insignificant transactions, while enhancing the Commission's ability to analyze transactions likely to have significant anticompetitive consequences.

DATES: Comments must be received at the following address on or before May 19, 1980, and should refer to Ex Parte No. 55 (Sub-No. 38F).

ADDRESS: Send comments (an original and 15 copies where possible) to: Office of Proceedings, Section of Finance (Room 5414), Ex Parte No. 55 (Sub-No. 38F), Interstate Commerce Commission, 12th St. and Constitution Ave. NW., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, (202) 275-7245).

SUPPLEMENTARY INFORMATION:

Objectives

The purpose of this proceeding is to conduct a policy analysis into the role of antitrust and competition factors in motor carrier finance proceedings under 49 U.S.C. 11343-44.

We recognize the serious impact which anticompetitive transactions can have on both the economy and the general public, and wish to avoid or minimize such adverse impacts where possible.¹

Another motivation is our desire to modify current priorities in motor finance proceedings so as to commit

¹ Our statutory duty to consider the anticompetitive consequences of proposed transactions under 49 U.S.C. 11343-44 (formerly section 5(2) of the Interstate Commerce Act) has long been recognized by the courts. See *Bowman Transportation v. Arkansas-Best Freight*, 419 U.S. 281, 298 (1974); *Port of Portland v. United States*, 408 U.S. 811, 841 (1972); *McLean Trucking Co. v. United States*, 321 U.S. 67, 87 (1944). It should be noted that our obligation to consider the anticompetitive effects of proposed transactions exists notwithstanding the general antitrust exemption provided by 49 U.S.C. 11341 for ICC-approved transactions.

²¹ See attached Statement of Commissioner Brown.

²² E.g., *Anamosa-Iowa City*, 46 FCC 2d 520 (1974).

scarce agency resources only to those transactions with compelling public interest and competitive consequences. We are concerned about spending an inordinate amount of resources on transactions which do not have a significant effect either on the motor carrier industry or on the transportation markets in which the affected carriers operate.²

To achieve these goals, we are considering streamlining the case-processing system for relatively insignificant transactions, while enhancing our ability to analyze transactions likely to have significant anticompetitive or public interest consequences.

Procedural Matters

Preliminary conference—A preliminary conference was held on May 8, 1979, to solicit initial public comment on the scope, content, and direction of this proceeding. Notice of the conference was published in the *Federal Register* at 44 FR 21953 (April 12, 1979).

Views were received from approximately 60 persons representing both motor carriers and governmental agencies such as the Department of Justice (DOJ) and Federal Trade Commission (FTC).

The conference was an informal round-table discussion and no transcript was made. The views expressed at the preliminary conference were helpful to us in developing the proposals contained in this document.

Evidentiary phases—We propose to conduct this proceeding in the form of a three-part rulemaking as follows:

(1) **Advance notice of proposed rulemaking (ANPR)**: In this stage, we shall publish our initial proposals in this area and invite public comments on them.

(2) **Notice of proposed rulemaking (NPR)**: The NPR will advise the public of how we believe our earlier proposals should be modified in light of public comment. Additional public comment will also be invited on our modified proposals.

(3) **Final rules**: After analyzing the comments received in response to the NPR, we may issue final rules and a policy statement regarding the proper role of antitrust and competition factors

in motor finance proceedings under 49 U.S.C. 11343-44.

Proposals

We propose to make three changes in our present practices:

Application revision—We propose to revise the basic motor finance application forms³ (*Form OP-F-44* used for purchases/mergers, and *Form OP-F-45* used for control applications) to elicit the information essential to the identification of those motor finance transactions which may have significant anticompetitive consequences and thus warrant more detailed regulatory attention.

Case streamlining—We propose to subject only those motor finance transactions with compelling public interest and competitive consequences to complete agency review, with the balance of proposed motor finance transactions being permitted to go into effect without extensive agency review.

Policy statement and guidelines—We propose to develop a policy statement and guidelines to assist the staff in analyzing the information submitted in the revised applications, and also to advise the public of the standards to be used in isolating cases which require more thorough regulatory attention.

Application Revision

We propose to add two new supplements to Forms OP-F-44 and OP-F-45, with the first supplement to be completed in all transactions and the second to be completed only in "major" transactions (as defined below).

This would relieve the applicants in less significant transactions from the necessity of filing all the information required in more significant transactions, unless the facts in any particular application show additional information to be required.

Threshold criteria—In distinguishing "major" from "minor" transactions for purposes of completing Supplements 1 and 2, we suggest the following criteria.

A "major" transaction—in which the applicants would be required to complete both supplements would be one in which the combined gross annual operating revenues of the applicant-carriers are \$100 million or more. All other motor finance transactions would be deemed "minor", and applicants would only need to complete Supplement 1 unless additional information were subsequently requested.

³As used throughout, the term "motor finance transaction" (and synonymous phrases) means transactions for which authority is sought by filing Forms OP-F-44 or OP-F-45.

In determining where to draw the line between major and minor transactions, we have been guided by available statistics on the financial characteristics of the motor carrier industry. The Commission's latest data show that the median revenue of the top 100 regulated motor carriers of property is approximately \$100 million.⁴ Accordingly, we propose to use this figure as our threshold between major and minor motor finance transactions. Further, we propose that the threshold figure for major transactions continue to be tied to the median revenue levels of the top 100 motor carriers of property. This threshold figure may be updated on a periodic basis to keep it current. We invite comments on how often and in what manner this updating should occur.

Contents of supplement 1—In addition to the information required by Forms OP-F-44 and OP-F-45, applicants in both "major" and "minor" transactions would be asked to comply with the following basic informational requests:

(1) **Market definition**: Describe the major transportation market(s)—in terms of both product and geographic dimensions—in which Transferee⁵ would operate as a result of the transaction.

(a) **"Transportation market"** means the points or definable areas between which—or the areas within which—the Transferee would perform transportation services for the commodities involved in the finance application. Each transportation market has both a product and geographic dimension, as defined below.

(b) **"Product dimension"** refers to the commodities a carrier is authorized to transport within a given transportation

⁴See ICC Bureau of Accounts report entitled *Large Class I Motor Carriers of Property, Selected Earnings Data*, which provides financial data on the 100 largest motor carriers of property for the 12-month periods ending March 31, 1979, and March 31, 1978, respectively.

While this report covers only motor carriers of property, a review of the financial condition of the bus industry shows that use of the median revenue figure for motor carriers of property (presently \$100 million) is also appropriate in defining the threshold between major and minor finance transactions by motor carriers of passengers. See ICC Bureau of Accounts report entitled *Large Class I Motor Carrier of Passengers, Selected Earnings Data*, which provides financial data on the top 10 motor carriers of passengers for the 12-month periods ending March 31, 1979, and March 31, 1978, respectively.

⁵The terms Transferee and Transferor are employed throughout for uniformity. "Transferee" includes: (1) In a consolidation, the new corporation; (2) In a merger, the surviving corporation; (3) In a purchase, the buyer; (4) In a lease, the lessee; and (5) In a control, the controlling party. "Transferor" includes: (1) In a merger or consolidation, the carrier to be liquidated; (2) In a purchase, the seller; (3) In a lease, the lessor; and (4) In a control, the controlled party.

²This concern is reflected in a number of our recent decisions and statements. See, e.g., Ex Parte No. 55 (Sub-No. 35), Summary Grant Procedures (Finance), final rules published in the *Federal Register* at 44 FR 41203 (July 16, 1979); and Ex Parte No. MC-121, Policy Statement on Motor Carrier Regulation, final policy statement published in the *Federal Register* at 44 FR 68296 (October 19, 1979).

market. More precisely, definition of a market's product dimension entails a description (e.g. by 2-Digit STCC⁶ commodity code) of the commodities which a Transferee would be authorized to transport by the approval of the finance application.

(c) "Geographic dimension" refers to the pairs of points and/or areas (e.g., traffic lanes) between which—or the areas within which—the Transferee will be authorized to provide transportation services if the finance application is approved.⁷

(2) *Number of competitors:* Are there fewer than five motor carrier competitors actively operating in each of the transportation markets Transferee would enter through the transaction (as identified in Item 1, above)? Please identify the five major competitors in each such market.

(3) *Extent of transferee's service:* Does Transferee affirm that—if the authority being sought is granted—it shall not restrict, halt, or curtail service to and/or from any points previously served by Transferor whether by tariff or otherwise?

(4) *Present competition between parties:* How much competition presently exists between Transferee and Transferor—i.e.:

(a) Do they compete for the same traffic in any transportation markets? If so, to what extent?

(b) Do they coordinate service (and, if so, to what extent)? For example, do they:

(i) Lease facilities from each other?

(ii) Interchange or interline with each other?

(iii) Share terminal facilities?

(iv) Otherwise coordinate activities?

(5) *Market studies:* Identify any market studies that have been prepared by or for the parties regarding markets, market shares, competition, competitors, growth potential in the markets to be entered, or similar subjects. If any such market studies have been prepared, indicate by whom and for whom they were prepared.

In *minor* transactions, the Supplement 1 information should enable us to determine which applications do not contain antitrust impediments to a

summary grant and which applications should be removed from the summary grant process for additional antitrust analysis. In *major* transactions, the Supplement 1 information will provide an important data-base (in conjunction with the Supplement 2 information) for determining whether an application contains no antitrust impediments to a summary grant or whether an application should be removed from the summary grant process for additional antitrust analysis.

Contents of Supplement 2—In addition to the foregoing information, applicants in "major" transactions would be asked to supply the following antitrust-related information:

(1) *Market shares:* Identify Transferee's potential market share—both before and after the proposed transaction—in the transportation markets to be entered [as identified in Supplement 1 (Item 1)].

(2) *Expected traffic:* Indicate (in terms of revenue and tons) a reasonable estimate of the relative amounts of traffic expected to be transported by Transferee in the identified markets.

(3) *Commodities:* List Transferee's top 10 revenue-producing commodities (at the 2-digit STCC code level), and indicate the likely effects of the proposed transaction on these commodities.

(4) *Past acquisitions:* List (by docket number and filing date) all pending motor finance applications under 49 U.S.C. 11343-44 filed by Transferee or its affiliates.⁸

In addition to assisting us in determining whether an application should be isolated for more detailed analysis, the information supplied in Supplements 1-2 should provide interested persons with an opportunity to challenge a proposed transaction on the basis of its potentially anticompetitive effects.

Exemptions—We are considering the possibility of exempting certain motor finance transactions from the filing requirements of Supplements 1-2. These exemptions would be granted to those classes of transactions likely to have no material effect on competition.

We invite comment on which classes of transactions warrant exemption from the filing requirements of Supplements 1-2. At present, we believe such an exemption may be appropriate for motor finance transactions solely involving corporate affiliates, since the filing of a formal motor finance application by such parties is unlikely to alter pre-existing competitive realities. In

addition, the Commission's long-standing policy in favor of corporate simplification would be enhanced by such an exemption.

Case Streamlining

All motor carrier acquisition applications will initially be handled under the summary grant procedures established in Ex Parte No. 55 (Sub-No. 35), *Summary Grant Procedures (Finance)*, in which final rules were published in the *Federal Register* at 44 FR 41203 (July 16, 1979).

Under these summary grant procedures, applications which are complete, accurate, and legally sufficient will be published in the *Federal Register* as "decision-notices." There will be two ways to remove a decision-notice from being summarily granted after a 30-day *Federal Register* notice period: (1) The filing of a valid protest; or (2) Commission isolation of an application for additional analysis of potential antitrust problems or other legal impediments.

Isolation for further antitrust analysis—An application could be isolated *sua sponte* for further antitrust analysis only if the applicants answered any of the questions in Supplements 1 or 2 in such a way as to show a reasonable possibility for significant anticompetitive consequences from the proposed transaction. An affirmation that applicants have disclosed all pertinent information might be necessary. Our proposed Guidelines (discussed below) describe how anticompetitive potential would be found in the information submitted in Supplements 1 and 2.

After an application has been isolated for further analysis, three routes would lie open to it: (1) *Summary Grant:* the decision-making body could find that—on the basis of the filed information—the application should be summarily granted once the decision-notice's 30-day publication period has expired; (2) *Request for Additional Information:* the decision-making body could find that additional information is necessary before a determination can be made on whether to grant or deny the application on anticompetitive grounds; or (3) *Modified Procedure:* The decision-making body could find that the proceeding should be set for modified procedure (or perhaps oral hearing) to develop the issue of anticompetitive effect.

All motor carrier acquisitions not involving protests or legal impediments (such as anticompetitive problems) would be summarily granted under the procedures outlined in Ex Parte No. 55 (Sub-No. 35), *supra*.

⁶ "STCC" refers to the Standard Transportation Commodity Codes used for certain reporting and rate purposes. See 49 CFR 1248.100-101.

⁷ For example, for *regular-route* motor carriers, the traffic lanes would consist of the relevant city pairs and the regular routes over which they may reach these city pairs. For *irregular-route* motor carriers, the traffic lanes might consist of the territory in which the carrier is authorized to operate. Such a territory might graphically be displayed in the form of "density charts" such as those used in rail consolidation proceedings (see 49 CFR 1111.2(b)(1)(i)).

⁸ The term "affiliates" is used here as defined in 49 U.S.C. 11343(c).

Policy Statement

We believe the following economic principles must be considered in developing any policy statement on the anticompetitive effects of motor finance cases:

(1) *Benefits of competition:* The number of carriers in a market is an important determinant of the quality, variety, and rate levels in that market. In most circumstances, the more carriers providing services in a market, the greater the quality and variety of service, and the lower the prevailing rates in that market.

(2) *Quality and variety:* The public is entitled to the highest quality and maximum variety of motor transportation services that are consistent with the efficient provision of those services.

*Antitrust policy statement—*Keeping in mind the foregoing economic principles and the public policy criteria of 49 U.S.C. 10101 and 11344, our general policy in motor finance transactions is the preservation and promotion of market conditions conducive to reasonable competition.

These market conditions embrace such factors as the number and type of large carriers operating in a given market, the relative sizes of their respective market shares, and the substantiality of barriers to the entry of new carriers into the market. In addition, the existence of intermodal competition and potential competition in the form of other carriers willing and able to carry the traffic in question but not now doing so should be taken into account.

Thus, for example, a concentrated market structure—one in which a few carriers account for a large share of the market—may tend to discourage vigorous service and price competition by the carriers in that market and encourage other kinds of conduct of an economically undesirable nature. We also note that emphasis on market conditions has proven to be a reliable means under the antitrust laws for determining whether a transaction may result in a substantial lessening of competition or in a tendency to create a monopoly.

Accordingly, the Commission's policy on motor finance transactions is directed primarily toward the identification and prevention of those transactions which alter market conditions in ways likely to encourage or permit anticompetitive or otherwise inefficient carrier market behavior. Nonetheless, in certain circumstances, these structural considerations will not alone be conclusive. This may be the

case, for example, where a transaction—though potentially anticompetitive in some respects—may possess certain public interest aspects which outweigh the anticompetitive aspects of the transaction (as where a Transferee proposes to provide some innovative or particularly beneficial type of service, or where basic technological changes—or population and industrial production trends—are significantly transforming current market boundaries and market structures).

Guidelines

*Isolating potentially anticompetitive transactions—*In isolating transactions having a high likelihood for anticompetitive consequences, we will be guided primarily by the applicant's answers to the informational requests of Supplements 1 and 2.

Our selection of applications for more detailed analysis will focus on the existence of a combination of factors as reflected in the supplements, rather than on the existence of any one factor.

For instance, we believe that substantial anticompetitive ramifications in "minor" transactions may result from the existence of a combination of factors found in Supplement 1, such as the following: (1) The existence of relatively few substantial competitors in the markets to be entered by Transferee through the transaction; (2) Transferee's intent to provide less service than Transferor provided; (3) the extent to which Transferee and Transferor presently compete for the same traffic or coordinate service, and the extent to which such competition or coordination may be eliminated by the proposed transaction; and (4) the extent to which the purchase price in the transaction reflects a substantial monopoly value in Transferor's operating rights. Moreover, where a market study has been prepared in a significant transaction, we may request it in order to assist us in evaluating the potential market impacts of the proposed transaction.

We further believe that substantial anticompetitive consequences in "major" transactions may result from the existence of a combination of factors found in Supplement 2, such as the following: (1) Whether Transferee presently holds a large share (e.g., more than 20%) of the markets to be entered through the transaction; and (2) whether Transferee is substantially larger in terms of gross annual operating revenues than its competitors in the markets to be entered by Transferee through the transaction.

*Treating potentially anticompetitive transactions—*In cases protested on the issue of anticompetitive consequences, a significant responsibility will be placed on protestants to show how the transaction may result in the alleged anticompetitive consequences.

In presenting a protest, we would expect protestants (both carriers and non-carriers) to do more than raise unsubstantiated allegations of anticompetitive impact. Rather, protestants would be expected to draw upon the information submitted by applicants in Supplements 1-2 (and any additional information) to demonstrate how and to what extent the transaction would be anticompetitive. Such a showing would thus rely primarily on market studies, market shares, concentration ratios, reasonable projections of traffic diversion, and the other areas covered in Supplements 1-2.

Thus, a protestant-carrier should be required specifically to demonstrate that its ability to continue adequately serving the markets to be entered by Transferee will be "materially impaired". Protestant's evidentiary presentation would be improved if it could demonstrate that its present nature of service is efficient, competitive, and otherwise viable. Similarly protestant's case would be strengthened by showing that—in addition to service impairments in the markets to be entered by Transferee—the traffic or revenue loss in those markets would impair protestant's service quality in other markets, particularly those served in conjunction with the markets to be entered by Transferee.

To prove material impairment, a protestant-carrier should show that its projected share of the markets to be entered by Transferee through the transaction—whether larger, equal to, or smaller than its present share of such markets—will be inadequate to sustain its service levels in those (and possibly other) markets. However, a smaller share of an expanding market will not usually justify a finding of material impairment, and may be grounds for an applicant to rebut protestant's evidence of material impairment.

As for protestant-noncarriers, their burden of proof would be slightly different. While they too would be required to show material impairment, it would be a different type of impairment. Specifically, they would need to show, in relatively quantifiable terms, that the transaction would have demonstrably anticompetitive consequences injurious to them. Such consequences might consist of a significant loss of price competition among motor carriers on the markets entered by Transferee.

Alternatively, it might consist of a likelihood for material service cutbacks in those markets, or an unbalanced dependence on one or two carriers resulting from the unwarranted elimination of viable competing carriers in those markets. Other possibilities exist.

Our treatment of potentially anticompetitive transactions (in both protested and unprotested cases) will focus on whether the projected anticompetitive effects of the transaction are outweighed by the public interest criteria of 49 U.S.C. 10101 and 11344.

Conclusion

Through the changes proposed here, we hope to attain the dual objectives stated earlier: Protection of the public from unnecessarily anticompetitive motor finance transactions and more efficient use of scarce Commission resources.

The proposals outlined in this ANPR are merely a starting point in this endeavor. We invite all interested persons to comment on the proposals outlined above, and specifically on the following:

(1) The size of the monetary threshold distinguishing "major" from "minor" motor finance transactions; in addition, should there be a threshold below which neither Supplement 1 nor Supplement 2 should be required?

(2) Whether the \$100 million suggested as the monetary threshold should be calculated on the basis of *applicant-carriers'* combined gross annual operating revenues, or rather on the basis of the *entity-wide* gross annual operating revenues of applicant-carriers and their affiliates;

(3) The figures used and approach taken in our guidelines;

(4) The antitrust policy statement, and the principles underlying it;

(5) Deletions, additions, or variations on the informational requirements of Supplements 1-2;

(6) Which classes of motor finance transactions (if any) should be exempted from the filing requirements of Supplements 1-2;

(7) Whether the proposed Supplements 1 and 2 could be modified in any way to lighten the burden of compliance while still supplying the Commission with the information necessary to its decision-making duties; and

(8) Any other comments to assist the Commission in analyzing whether and how the issue of competitive consequences should be more formally integrated into our regulatory analysis of motor finance applications.

We propose to add evidentiary requirements to two of our application forms, but have carefully designed Supplement 1 so as not to burden smaller carriers, and Supplement 2 would be completed only in major transactions. Further, only a small percentage of motor finance transactions would warrant in-depth competitive analysis, while the bulk of applications would be processed under summary grant procedures or be found to lack significant anticompetitive consequences thereafter. Finally, since only the largest transactions would generally be subjected to in-depth competitive analysis, the evidentiary burdens on these applicants and protestants will be slight in comparison to the substantial adverse impact on the public which an uninformed approval of large transactions could have.

This notice will not significantly affect either the quality of the human environment or conservation of energy resources. See 49 CFR Parts 1106, 1108 (1978).

This notice is issued under the authority contained in 49 U.S.C. 10321, 11343-44, and 5 U.S.C. 553 and 559.

Dated: January 11, 1980.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Commissioner Trantum dissented with a separate expression.

Agatha L. Mergenovich,
Secretary.

Commissioner Trantum, Dissenting

Only those changes which streamline merger proceedings for small carriers appear appropriate. I see no need for general rules on the amount of information to be submitted by merger applicants in order to determine the anticompetitive implications of their proposed merger. Information requests for mergers should be tailored to the specific merger in question.

[FR Doc. 80-11991 Filed 4-17-80; 8:45 am]

BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1057

[Ex Parte No. 311 (Sub-No. 4)]

Review of the Motor Carrier Fuel Surcharge Program

Decided: April 9, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Through a series of actions designed to permit expedited changes in rate levels and to require the payment of adequate compensation to owner-operators, the Commission has provided a mechanism by which regulated motor carriers and owner-operators can recoup the rapidly escalating cost of fuel. Whether or not carriers choose to increase rates to meet rising fuel costs, those employing owner-operators are required to pay to each owner-operator an amount equal to the authorized fuel surcharge. We are seeking ways to improve the fuel surcharge program so that it more accurately reflects the cost of fuel actually consumed, and propose to move away from the present means of computing surcharge based on revenue. We seek comments on several alternatives.

We also seek comments on whether anticipated regulatory reforms, such as those now under consideration by the Congress or capable of institution by the Commission as an administrative matter, even without new legislation, might so enhance the position of the owner-operator in the overall transportation system that the fuel surcharge program might be terminated. Based on comments received, we propose to modify our outstanding special permissions and other decisions under which the fuel surcharge program is administered, and we may adopt rules.

DATES: Comments are due May 19, 1980.

ADDRESS: Comments should be sent to: Office of Proceedings, Room 5356, Interstate Commerce Commission, Washington, DC, 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 275-7693.

SUPPLEMENTARY INFORMATION: In response to the fuel crisis of 1973-1974, the Commission, in Ex Parte No. 311, *Expedited Procedures for Recovery of Fuel Costs*, 350 I.C.C. 563 (1975), as amended by decision of February 24, 1976, established an expedited procedure to provide a mechanism for regulated carriers to reflect rapidly increasing fuel costs in the rate structure as quickly as possible. Special Permission No. 76-350, issued at that time, allowed carriers to increase rates on 10 working days' notice. This procedure was first implemented by an order issued on April 20, 1976. At that time comments were requested as to possible modification of the X-311 procedures. As a result of those comments and the deteriorating owner-operator situation, we determined that a revenue-based fuel surcharge, as opposed to rate increases, was the

appropriate method of implementing future X-311 increases.

With fuel prices continuing to increase sharply, we issued, on June 1, 1979, Special Permission No. 79-2620 to replace Special Permission No. 76-350. The new permission authorized publication of surcharges, but not permanent rate increases, and the carriers were required to provide fuel-cost data in accordance with the previous procedures. The new special permission mandated that whatever surcharge was approved, that amount had to be passed to the person actually responsible for hearing the fuel costs. The 10-working day notice provision was retained.

The situation worsened in early June. Many carriers did not file for X-311 surcharges and owner-operators did not receive adequate compensation or receive it fast enough to keep up with rapidly rising fuel prices. The procedures were not helping carriers to recover increased fuel costs as the increases were occurring.

Accordingly, on June 15, 1979, we issued Special Permission No. 79-2800, which authorized carriers to file for surcharges on one-day's notice using surcharge figures developed from a Commission fuel index. In addition, we ordered the carriers, whether or not they took a fuel surcharge, to compensate owner-operators fully for all additional fuel expenses incurred. In effect, this meant that carriers had to pay to the owner-operators the amount of the surcharge as developed from the weekly fuel index. If a carrier sought a surcharge above the level developed in this new special permission, it was required to use the 10-day notice procedure in Special Permission No. 79-2620.

On June 19, the Commission extended the use of Special Permission No. 79-2800 to all motor carriers whether or not owner-operators were employed. On June 26, these procedures were extended to the bus carriers, and on February 26, 1980, to United Parcel Service.

Suggested Revisions for Fuel Surcharge Program

The surcharge program is intended to be temporary. It was designed to help owner-operators recover their increased fuel costs from regulated carriers. Sharply increasing fuel costs have continued. Today the level of the surcharge (13 percent) has reached a point where problems with the formulas used for the surcharge have become exaggerated, creating a number of difficulties for shippers, carriers and the owner-operators.

The surcharge often provides a substantially greater amount of money than can be attributed to fuel alone. In many cases, it also provides the wrong amounts of money to different types of traffic and for traffic moving over different distances.

Four alternatives have been developed by the Commission for improving the surcharge program or phasing it out. Each offers certain solutions to the overall problem, but at the same time may create other problems. These are discussed for consideration and comment.

Option (A)—Mileage Based Surcharge Plan

As a replacement for the current program a mileage based plan could be developed which would require that the owner-operator (fuel purchaser) be directly reimbursed for the increased fuel price at a given rate per mile. The level of the surcharge would be compiled from actual or estimated fuel cost per mile factors. This plan would result in a surcharge more closely related to each owner-operator's costs. It would change the present practice of setting surcharges at levels not directly related to fuel cost.

This approach would require developing data on truck fuel use for establishing an "average miles per gallon" factor. As a preliminary estimate, average intercity diesel truck fuel use probably ranges between 4.0 and 6.0 miles per gallon. Upon completion of the fuel use study a reasonable average rate might be set at a level of, for example, 5.5 miles per gallon. If carriers experience substantial differences from the average fuel use rate, relief from the average rate could be permitted.

The mileage plan raises some issues. In most cases owner-operators are only compensated for loaded (revenue) miles. Empty miles, including travel to position equipment for loading in revenue movement, may or may not be compensated for or may be compensated on a different basis than for loaded runs. For simplicity it would be easiest for the Commission to guarantee payment for increased fuel cost only on loaded miles on a uniform basis.

However, some general adjustments might be made to account for recognized non-revenue empty miles situations which are characteristic of certain types of operations or the operation of certain types of equipment. In *Empty/Loaded Truck Miles on Interstate Highways During 1976*, ICC April 1977, Table IV, pg. 10, reveals that owner operator van equipment is empty 17.4% of the time,

refrigerated van 10.9%, flat or lowboy 15.9% and tank truck equipment 46.2% of the time. In the case of such equipment operated by owner operators, the fuel use estimate could be adjusted by these factors to pay owner operators for fuel to position equipment or operate empty. The 5.5 miles per gallon fuel use factor might be reduced in the case of refrigerated equipment to reflect a factor of 4.91 miles per gallon in computing the reimbursement for fuel use. A variation would be to allow 10.9% additional gallons of fuel to be computed into total fuel use for a particular trip.

Alternatively, costs for fuel used in non-revenue movements, empty backhaul, repositioning of equipment, etc., could be adjusted by carriers through a voluntary revision of the revenue divisions with owner-operators.

In the case of carriers depending totally on owner-operators to provide the transportation service, the total of the payments made to owner-operators for the increased use of fuel (on the mileage related formula developed or chosen) would represent a carrier cost that could be passed through to shippers by a surcharge. The surcharge would be applied as a percentage of the freight bill charges as it is under the present Ex Parte 311 system. The total revenue a carrier derived through such a surcharge would not be permitted to exceed the total cost of reimbursing the owner-operators for the increased cost of fuel.

All carriers do not employ owner-operators exclusively. In the case of carriers who use only company drivers (no owner operators), the increased cost of fuel is a basic cost to the company and reflects the increased price of bulk fuel purchases or fuel purchased on the road by company drivers for the account of the company. The efficiency with which fuel is used (miles per gallon) and the extent to which empty miles are generated is a result of management decisions relating to the level of service believed necessary to serve shippers. There is no need to apply mileage formulas or to consider the problem of how to compensate for empty miles; such factors are already built into the total cost of fuel. The excess cost of fuel (for example during the current month) would simply be computed by comparing the present total cost of fuel against the total cost at January 1, 1979 prices. This would then represent a carrier's excess fuel cost requiring compensation. The compensating surcharge cost pass through applied to the freight bill charges should be set at a level designed to compensate for but not to exceed the amount of the increased fuel cost. One final point: The current

price of fuel to the carrier may today be lower than the price an owner-operator pays at the truck stop. But on January 1, 1979 the price was also relatively lower and it has been found that the escalation for both has been similar. Therefore the level of the surcharge necessary to reimburse both owner-operators and trucking companies for their increased cost of fuel over the same period is likely to be the same.

In situations in which a carrier employs some owner-operators and some company drivers, whether in a constant proportion or in fluctuating proportions, the measurement of the increased cost of fuel would be a combination of the two plans described above. Owner-operators would be compensated under a general formula or a negotiated formula which could account for empty miles. This would represent a cost to the company for increased fuel cost compensation. Company vehicle fuel use or purchases would be a second portion of the carrier's overall fuel cost. The total of the two differently derived excess fuel costs would be covered by a surcharge, the revenue from which could not exceed the total increased fuel cost from both types of operations.

The Commission may wish to set the percentage level of the surcharge, but the dollar amount representing the increased cost of fuel to be passed through (and not to be exceeded in surcharge reimbursement) would set an automatic limit on the level of the surcharge for truckload carriers. More important, however, the Commission may wish to set an upper limit on the LTL surcharge or establish a relationship between the less than truckload and truckload surcharge level. Whether the relationship should be the same as under the present program or some other relationship poses a question for further evaluation.

The key benefits from this option would be to place the surcharge program on a basis which is more closely related to fuel use and on a foundation which would more equally balance the relationship of the increased cost of fuel between owner-operator and company-driver service.

Option (B)—Mileage Based Surcharge With Phase Out

This proposal is a two step plan. Step one would entail an interim decision to shift to a mileage based surcharge as discussed in Option A. The second step would be to fashion a phase out mechanism which would coincide with regulatory reforms designed to increase the business opportunities, earning

potential, and bargaining power of owner-operators.

Easing entry or broadening present statutory exemptions may open up new business opportunities for owner-operators. S. 2245, as reported out of the Senate Committee on Commerce, Science and Transportation, would authorize any operator to transport all processed or unprocessed food for human consumption without any authority from the Commission while section 8 of H.R. 6418 would exempt owner-operator moves if (i) subsequent to an exempt haul, or (ii) a return haul in the general direction of the general area of the previous exempt haul origin, under certain conditions. Other possible legislative changes, such as rate flexibility, uniformity in state length and weights laws, and penalties against lumping should also be beneficial to owner operators. Once reasonable options are available to owner operators, there would be no justification for retaining separate regulatory control over compensation for fuel use.

We would like to receive comments addressed to the question of what reforms, would be viewed as sufficient to eliminate the current surcharge program. In addition, we would like to know what problems, if any, present owner-operators foresee in handling this business as prime carriers and what problems, if any, shippers foresee in tendering freight to these independent truckers who generally operate only one vehicle or a very small fleet. Finally, we seek suggestions as to what administrative actions, such as a simplified application procedure, we might take to make it easier for owner-operators to obtain operating authority and, having obtained such authority, to conduct operations.

The Commission in pursuing this option might establish a transition period which would give owner-operators and carriers sufficient time to plan for eventual elimination of the surcharge by implementing the reforms while incorporating the surcharge portion into the rate base.

Option (C)—Revenue Based Surcharge Phase Out

The present based surcharge represents a well understood system. A major reason for the problems which have developed is the high level of distortion in the revenue based surcharge. Therefore, it may be appropriate gradually to phase the present surcharge into the rate base.

Incorporating the surcharge into the rate base might be timed to coincide with those specific changes in

legislation or regulatory policy as outlined in option (B) which would allow owner-operators to capture increased revenues or improve net profit as a substitute for the present surcharge revenue recoupment.

This plan carries with it the benefit of working with a known program rather than converting the present surcharge to a different basis and then phasing it out.

Option (D)—Leasing Rule Modification

The pace with which fuel costs accelerated without an offsetting carrier rate increase has been the root of the owner-operator's problem. In his relatively weak bargaining position he has not been able to influence carriers to directly offset these increased costs except through the Commission's compulsory surcharge program.

The owner-operator fuel cost could be made a direct cost of the carrier through modification of the owner-operator leasing rules. The carrier rather than the owner-operator would be responsible for the fuel cost. The root of the surcharge difficulty would be removed. This option would terminate the present surcharge program, and substitute a change in the leasing rules which would make carriers responsible for fuel costs.

(1) In implementing such a plan, one approach would be for the owner-operator to submit to the carrier paid receipts for fuel purchases attributable to a specific haul as part of the regular trip settlement process. Alternatively, carriers would provide owner-operators with credit cards or other automatic fuel payment systems particularly where the owner-operators are in wholly captive or regular and continuous service to the carrier and in this way the carrier would accept responsibility for and pay the fuel costs.

Such an approach could lead to disputes on the price of fuel, circuitry in hauling a load, and the apportionment of a fuel bill to different loads.

(2) An alternative to direct fuel bill submission, would be the computation of the fuel costs a carrier would bear based on a formula taking into account factors such as distance, mileage, fuel price, and rate of fuel consumption. This means of computing the lessor's fuel allowance could be negotiated or it could be mandated by the Commission, which would then issue periodic adjustments in the formula as fuel prices change. For example, a stipulation to be contained in the lease agreement, or a formula mandated by the Commission, might set full fuel cost compensation at 23¢ per mile empty or loaded, for the month of April 1980 (estimated on the basis of 5 miles per gallon and fuel cost of \$1.15 per gallon). If independent

negotiations are allowed, other arrangements such as a flat fuel allowance per trip or any equitable arrangement that would set a reasonable relationship between a fuel cost allowance and actual fuel cost would be appropriate. Commission review, upon complaint, could ensure that the owner-operator is accorded actual relief from bearing total fuel costs. In any event, the fuel compensation requirement would be separate from whatever basic revenue division is offered the owner-operator by the carrier.

The carrier would secure compensation for the increased cost of fuel by the surcharge method. The total cost of fuel today would be compared with the cost of fuel at the January 1, 1979 price to derive the excess cost of fuel which would be compensable by surcharge. The level of the surcharge should be set at a level designed to compensate for but not exceed the increased fuel cost.

This option has the benefit of transferring the economic burden of fuel cost to the carrier—the party who has direct control of the decision to offset increased fuel costs with increased rates. It also has the benefit of placing all carriers, regardless of whether owner-operators or company drivers are used on equal ground—at least to the extent that fuel cost is a factor.

Open Meetings

In addition to seeking written comments, we intend to hold a number of open meetings at various points throughout the country at which interested persons may make their positions known. It is our particular hope that owner-operators will take advantage of this opportunity to inform us of their views on the issues raised by this notice. Others, of course, will be equally welcome to appear at the open meetings. The proceedings at these meetings will be transcribed and made a part of the record.

Proposed Actions

To the extent we determine that changes in the motor carrier fuel surcharge program are necessary, we propose to implement those changes by the issuance of further decisions in Ex Parte No. 311. However, it is possible that amendment of our leasing regulations, 49 CFR Part 1057, will also be necessary. Should we decide to adopt option (D), we propose to amend 49 CFR 1057.12(f) to read as follows:

§ 1057.12 Written lease requirements.

(f) *Items specified in the lease; fuel costs.* (1) The lease shall specify the responsibility of each party with respect to fuel taxes, empty mileage, permits of all types, tolls, ferries, detention and accessorial services, base plates and licenses, and any unused portions of such items.

(2) The lease shall also specify—
(i) That the lessee is responsible for the cost of fuel used by the lessor in performing transportation, whether loaded or not, at the lessee's direction.
(ii) That if there is in effect a formula issued by the Commission for determining the cost of fuel, the fuel cost computation shall be made on the basis of that formula.

(iii) The means for computing the fuel cost compensation in case there is in effect no such formula issued by the Commission.

* * * * *

It does not appear that these actions would significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10321; 5 U.S.C. 553)

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-11990 Filed 4-17-80; 8:45 am]

BILLING CODE 7035-01-M

FOR FURTHER INFORMATION CONTACT:

William G. Gordon, Director, Office of Resource Conservation and Management, National Marine Fisheries Service, Washington, D.C. 20235, telephone: (202) 634-7218

Signed at Washington, D.C., this the 15th day of April, 1980.

Authority: 16 U.S.C. 1801 *et seq.*

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-12029 Filed 4-17-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 601

Regional Fishery Management Councils; Intercouncil Boundaries

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Notice of extension of comment period.

SUMMARY: On January 18, 1980, Advance Notice of Proposed Rulemaking and Request for Comments on an intercouncil boundary between the Gulf of Mexico Fishery Management Council and the South Atlantic Fishery Management Council was published in the *Federal Register* (45 FR 3618). Additional time for public comment has been requested so as to provide opportunity for further review of the facts and adoption of an appropriate course of action.

DATE: Consequently, the comment period on the proposed regulation is extended until May 20, 1980.

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Alabama Electric Cooperative, Inc.; Andalusia, Ala.; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 STAT. 65) and set in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider (a) providing a guarantee supported by full faith and credit of the United States of America for a loan in the approximate amount of \$30,900,000 to Alabama Electric Cooperative, Inc., of Andalusia, Alabama, and (b) supplementing such a loan with an insured REA loan at 5 percent interest in the approximate amount of \$6,300,000 to this cooperative.

These loans will be used to finance a construction program consisting of approximately 197 miles of 115 kV and approximately 2 miles of 46 kV transmission lines and related facilities; headquarters facilities and miscellaneous generation and other system improvements providing no additional generating capacity.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Charles R. Lowman, Manager, Alabama Electric Cooperative, Inc., Andalusia, Alabama, 36420.

In order to be considered, proposals must be submitted on or before May 19, 1980 to Mr. Lowman. The right is reserved to give such consideration and make such evaluation or other

disposition of all proposals received, as Alabama Electric Cooperative, Inc., and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 14th day of April 1980.

Robert W. Feragen,
Administrator, Rural Electrification
Administration.

[FR Doc. 80-11909 Filed 4-17-80; 8:45 am]

BILLING CODE 3410-15-M

Science and Education Administration

Cooperative Forestry Research Advisory Board and Advisory Committee; Correction

In FR Doc. 80-9307, published at page 20145, on Thursday, March 27, 1980, in the third column on page 20145, mention was made of a meeting of the Cooperative Forestry Research Advisory Committee. This was in error and should be amended to announce a meeting of the Cooperative Forestry Research Advisory Board only.

Done at Washington, D.C., this 11th day of April, 1980.

Anson R. Bertrand,
Director, Science and Education.

[FR Doc. 80-11910 Filed 4-17-80; 8:45 am]

BILLING CODE 3410-22-M

CIVIL AERONAUTICS BOARD

[Docket Nos. 34802, 38019, 37165; Order 804-53]

Wien Air Alaska, Inc., and Great Northern Airlines; Order Fixing Final and Temporary Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of April, 1980.

By Order 79-11-22, served November 7, 1979, we directed all interested persons to show cause why the Board should not establish the intra-Alaska service mail rates proposed therein as the final rates of compensation to be paid to Wien Air Alaska, Inc. (Wien) by

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Friday, April 18, 1980

the Postmaster General on and after February 24, 1979.

The United States Postal Service filed notice of objection to the show-cause order on November 15, 1979, and filed its answer on December 4, 1979. The Postal Service objects to (1) the method of apportioning aircraft servicing-control costs among the various types of aircraft, (2) the method of allocating the capacity costs of Wien's B-737 aircraft to the cargo traffics, and (3) the method of allocating subcontract aircraft capacity costs to mail. It requests the Board to establish rates of \$2.2949 per great-circle ton-mile for priority mail and \$0.9512 per great-circle ton-mile for nonpriority mail as fair and reasonable. Wien has not responded to this proposal.

The staff has reviewed the methodological changes suggested by the Postal Service and modified the rate computations shown in Order 79-11-22 to include those and certain other adjustments which it believes to be appropriate and supported. The modified rate computations, which are shown in the attached revised appendices, reflect the following adjustments.

First, aircraft servicing-control expenses, which were allocated to equipment types on the basis of revenue block hours, have been reallocated on the basis of RBH weighted by flying operations expense per RBH. These costs are normally allocated on the basis of RBH weighted by crew cost per RBH. However, Wien's bush services are operated with wet-leased aircraft. There are no reported crew costs for the subcontract equipment types, only rental expense. The same is true of the substitute aircraft operations. In this instance the use of this modified methodology is not unreasonable.

Second, the correct ratio of B-737 combination aircraft capacity costs allocable to cargo traffics is 33.76 percent instead of 48.72 percent.

Third, in assigning scheduled service capacity costs to mail, we have separated operations performed by substitute aircraft from the subcontract aircraft operations. Data in Wien's exhibits reveal that the carrier used the same weight factor to determine weighted departures for both B-737 and the substitute aircraft indicating that the substitute aircraft were large aircraft leased for use in mainline operations

rather than small aircraft for use in bush operations.

Fourth, landing fees should not be allocated to the subcontract and substitute operation. Review of the contracts discloses that this expense is borne by the contractor, not by Wien.

Fifth, aircraft servicing-line servicing, maintenance-ground property and equipment, and depreciation and amortization-general ground property and equipment expenses, which were assigned on the basis of all weighted departures have been reallocated on the basis of weighted departures from Wien operated stations only.

Sixth, actual fuel data for calendar year 1979 has been used, in lieu of our estimated data, in making revised rate computations.

Finally, it has been determined that the record of this proceeding does not contain data reflecting actual total costs for contract bush services. Review of the contracts covering bush operations reveals that most include a clause stating that Wien agrees to pay the contractor a specified amount per pound of mail plus all revenues derived from the transportation of passengers and property. These revenues, which the record does not quantify, represent a part of the total cost of providing the service. In other words, if Wien had kept these revenues, the contracts would have stated a higher price to be paid by Wien to the contractors.¹ Analysis of data in Wien's exhibits² discloses that in 1978 bush operations the carrier received \$457,000 in passenger and property revenues which were generated as a result of back-up operations when the contractors could not perform the service and which would otherwise have been payable to the contractors. Examination of Form 41 reports for Munz Northern Airlines, Inc., indicates that it received slightly more than \$1.6 million in passenger and property revenues as a result of contract bush services performed for Wien. Since the record does not provide complete financial and traffic data relating to the total amounts of passengers and property carried on these bush flights and because we are unable to accurately estimate the total amount of the passenger and property revenues kept by the contractors—which are a cost to Wien for the bush operations—we believe that it is logical to treat the known aircraft rental costs, which are the costs paid by Wien for the bush mail

services, along with the other allocated capacity costs assigned to subcontract operations as costs applicable solely to the carriage of mail in bush contract operations.

The rates that obtain from these adjustments, \$2.3712 for priority mail and \$0.9840 for nonpriority mail, only vary by slightly more than three percent from those rates proposed by the Postal Service in Attachment V of its answer filed December 4, 1979, which are only slightly above the mutually agreed upon rates of \$2.2162 for priority mail and \$1.0352 for nonpriority mail proposed earlier in this proceeding.³ It is our opinion that the rates proposed by the Postal Service of \$2.2949 per great-circle mail ton-mile for priority mail and \$0.9512 per great-circle mail ton-mile for nonpriority mail appear to fall within the zone of reasonableness for Wien's intra-Alaska mail services and are not unreasonable. Accordingly, we find that the rates proposed by the Postal Service, as shown in Attachment I to this order, are the fair and reasonable rates of compensation to be paid to Wien by the Postmaster General on and after February 24, 1979, until further Board order.

Based on our review of the pleadings, together with all other relevant data, the findings and conclusions set forth in Order 79-11-22, as amended by this order, are hereby affirmed and adopted.⁴

Inasmuch as the temporary rates of compensation to be paid to Great Northern Airlines, Inc. (GNA) are based upon rates for Wien,⁵ the establishment of new rates for Wien also results in the fixing of new temporary rates for GNA. We shall waive the procedural requirements of Rule 310 with respect to the temporary rates for GNA.

The Board is considering modifying the procedure by which we prescribe intra-Alaska service mail rates for Wien. We proposed to end our present practice of establishing service mail rates that apply system-wide, and in its place to establish separate rates for Wien's mainline and bush operations within Alaska. The benefits of such a rate structure are manifold and flow to the Postal Service, the carrier and the public. It has the advantage ending the form of cross-subsidization which presently exists between mainline and bush services and could lead to better service to bush points.

For example, under the present system-wide rate structure if the ratio of mail destined to the bush increases, the Postal Service is the beneficiary, while if the ratio of mail on the mainline increases, Wien receives a windfall. Under the proposed rate structure, the Postal Service would pay and Wien would receive compensation that would reflect more accurately the costs for the service performed. The public could benefit through improved service as it would no longer be necessary for the Postal Service to limit the dispatching of bush mail via only one carrier to its destination. This would afford the Postal Service a greater scheduling flexibility and could lead to speedier mail service to bush points.

Therefore, it is our intention to separate the present proceeding into two phases, one concerning the relief requested by Wien in its petition filed February 22, 1979, and the other to examine the need to establish prospectively separate rates for Wien's mainline and bush operations within Alaska. All parties are encouraged to give serious thought and consideration to this proposal. A future Board order will scope the issues involved in the second phase.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302,

1. The fair and reasonable final rates of compensation to be paid in their entirety by the Postmaster General to Wien Air Alaska, Inc., for the period February 24 through December 31, 1979, pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, for the transportation of mail by aircraft over its intra-Alaska routes, the facilities used and useful therefor, and the services connected therewith are \$2.2949 per great-circle mail ton-mile for priority mail and \$0.9512 per great-circle mail ton-mile for nonpriority mail.

2. The fair and reasonable temporary rates of compensation to be paid in their entirety by the Postmaster General to Great Northern Airlines, Inc. for the period on and after the commencement of certificated mail operations through December 31, 1979, pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended for the transportation of mail by aircraft over its intra-Alaska routes, the facilities used and useful therefor, and the services connected therewith are \$2.2949 per great-circle mail ton-mile for priority mail and \$0.9512 per great-circle mail ton-mile for nonpriority mail.

¹ Recently negotiated contracts provide for higher rates to be paid to the contractors and for Wien to retain all revenues. This should alleviate that problem in the future once all contracts are negotiated on this basis.

² Wien 300, Docket 35351.

³ Attachment I, USPS answer filed July 30, 1979.

⁴ Paragraph 2 of the tentative findings and conclusions in Order 79-11-22 unintentionally included the basis used in calculating mail ton-miles for payment of the domestic service mail rates. Accordingly, we have deleted that paragraph from our final order so as not to change the *status quo*.

⁵ See Orders 79-11-203, 79-12-84, and 80-1-51.

3. Paragraph 2 of the proposed findings and conclusions in Order 79-11-22 is deleted.

4. The fair and reasonable temporary rates of compensation to be paid in their entirety by the Postmaster General to Wien Air Alaska, Inc. and Great Northern Airlines, Inc. for the transportation of mail by aircraft in intra-Alaska service for the period January 1, 1980, until further Board order are the rates established by this order as final rates for the period February 24 through December 31, 1979.

5. This proceeding shall be divided into two phases, the first, shall deal with relief requested by the carrier in its petition filed February 22, 1979, in Docket 34802; and the second, shall be designated Wien Air Alaska Mainline and Bush Mail Rates Investigation, Docket 38019, and shall deal with the establishment prospectively of separate rates for Wien's mainline and bush operations within Alaska.

6. The record in Docket 34802 shall be deemed to be part of the record in Docket 38019.

7. We shall serve this order upon the Postmaster General, Wien Air Alaska, Inc. and Great Northern Airlines, Inc.

We will publish this order in the Federal Register.

By the Civil Aeronautics Board:
Phyllis T. Kaylor,
Secretary.

Wien Air Alaska, Inc.—Summary of Costs Assigned to Mail Calendar Year 1978

	Priority	Nonpriority	Total
Capacity costs:			
Combination aircraft..	\$6,494,405	\$1,129,092	\$7,623,497
All-cargo aircraft.....	480,345	424,783	905,128
Total capacity costs.....	6,974,750	1,533,875	8,528,625
Noncapacity costs.....	3,220,231	1,368,004	4,588,235
Total operating costs.....	10,194,981	2,921,879	13,116,860
Return and taxes at 11.514 percent.....	1,173,850	336,425	1,510,275
Total economic costs.....	11,368,831	3,258,304	14,627,135
Billed ton-miles.....	4,953,930	3,425,430	8,379,360
Cost per billed ton-mile.....	\$2.2949	\$0.9512	\$1.7456

Source: Postal Service Attachment V.

Appendix A (Revised).—Wien Air Alaska, Inc.—Summary of Costs Assigned to Mail Calendar Year 1978

	Priority	Nonpriority	Total
Capacity costs:¹			
Combination aircraft..	\$6,694,284	\$1,168,720	\$7,863,004
All-cargo aircraft.....	627,600	488,509	1,116,109
Total capacity costs.....	7,321,884	1,657,229	8,979,113

Appendix A (Revised).—Wien Air Alaska, Inc.—Summary of Costs Assigned to Mail Calendar Year 1978—Continued

	Priority	Nonpriority	Total
Noncapacity costs².....	3,218,447	1,367,247	4,585,694
Total operating costs.....	10,540,331	3,024,476	13,564,807
Return and taxes at 11.448 percent³.....	1,207,657	346,242	1,552,899
Total economic costs.....	11,746,988	3,370,718	15,117,706
Billed ton-miles⁴.....	4,953,930	3,425,430	8,379,360
Cost per billed ton-mile.....	\$2.3712	\$0.9840	\$1.8042

¹ Appendix D (Revised).

² Appendix I.

³ Appendix B (Revised).

⁴ USPS Attachment I.

Appendix B (Revised).—Wien Air Alaska, Inc.—Return and Tax Markup Scheduled Operations Calendar Year 1978

Investment ¹	\$36,540,038
Return at 12.35 percent.....	\$4,512,694
Interest expense ²	\$2,374,769
Net income after tax.....	\$2,137,925
Taxable income.....	\$4,111,394
Income tax at 48 percent.....	\$1,973,469
Total return and taxes.....	\$6,486,163
Operating expense ³	\$56,658,322
Percent return and tax markup.....	11.448

¹ Appendix C.

² Reported expense of \$2,587,748 allocated based on net investment.

³ Appendix D (Revised).

Appendix D (Revised).—Wien Air Alaska, Inc.; Scheduled Services Costs Assigned to Mail

[Calendar year 1978]

Capacity costs	Total capacity costs ¹	Cargo cube percent ²	Capacity costs assigned to cargo	Mail percent of total G23		Capacity costs assigned to mail		
				Priority	Nonpriority	Priority	Nonpriority	Total
Combination aircraft:								
B-737.....	\$29,471,841	33.78	\$9,949,694	20.1155	10.3904	\$2,001,431	\$1,033,813	\$3,035,244
FH-227.....	1,061,380	41.48	440,260	42.7854	0.4939	188,367	2,174	190,541
F-27.....	317,334	40.50	128,520	18.8181	4.1402	24,185	5,321	29,506
Subcontract.....	4,607,713	100.00	4,607,713	97.2348	2.7652	4,480,301	127,412	4,607,713
Subtotal.....	35,458,268					6,694,284	1,168,720	7,863,004
All-cargo aircraft:								
B-737.....	3,057,885	100.00	3,057,885	12.6476	13.6958	386,743	418,796	805,539
FH-227.....	234,691	100.00	234,691	27.3787	2.8608	64,255	6,714	70,969
F-27.....	137,960	100.00	137,960	18.4445	3.1449	25,446	4,339	29,785
Substitute.....	514,468	100.00	514,468	29.3810	11.4021	151,156	58,660	209,816
Subtotal.....	3,945,004					627,600	488,509	1,116,109
Total capacity costs.....	39,403,272					7,321,884	1,657,229	8,979,113
Noncapacity costs³.....	17,255,050							
Total costs.....	56,658,322							

¹ Appendix G (Revised).

² Appendix F (Revised).

³ Appendix E (Revised).

⁴ Appendix I.

Appendix E (Revised).—Wien Air Alaska, Inc.; Revenue Ton-Miles—Scheduled Operations ¹

[Calendar year 1978]

	Baggage at 35 lb.	Excess baggage	Mail		Freight
			Priority	Nonpriority	
Combination aircraft:					
B-737	4,023,913	615,870	3,381,000	2,485,920	9,494,850
FH-227	61,481	4,000	71,390	1,170	29,030
F-27	14,382	13,240	22,410	7,020	89,740
Subcontract	26,968	1,910	783,910	30,920	103,750
All-Cargo aircraft:					
B-737			704,830	882,740	4,603,160
FH-227			34,910	4,200	99,750
F-27			11,730	2,320	55,900
Substitute			64,580	26,980	145,960
Weighting factors:					
Density per cubic foot	11.76	11.76	13.51	12.50	15.15
Priority:					
Combination	1.00	1.00	1.00	.65	.75
All cargo			1.00	.80	1.00

Used Cubic Foot-Miles (2,000) Scheduled Service Revenue Ton-Miles Weighted for Density and Priority

	Baggage	Mail		Freight	Total	Present distribution of mail	
		Priority	Nonpriority			Priority	Nonpriority
Combination aircraft:							
B-737	394,539	250,259	129,268	470,042	1,244,108	20.1155	10.3904
FH-227	5,568	5,284	61	1,437	12,350	42.7854	0.4939
F-27	2,349	1,659	365	4,443	8,816	18.8181	4.1402
Subcontract ²		56,544	1,608		58,152	97.2348	2.7652
All-cargo aircraft:							
B-737		52,171	56,495	303,839	412,505	12.6474	13.6956
FH-227		2,584	270	6,584	9,438	27.3767	2.8608
F-27		868	148	3,690	4,706	18.4445	3.1449
Substitute		4,780	1,855	9,634	16,269	29.3810	11.4021

¹ Wien 101, Docket 35351.² Subcontract expenses are deemed to apply 100 percent to mail.

Appendix F.—Wien Air Alaska, Inc.; Computation of Aircraft Capacity Allocable to Cargo

[Calendar year 1978]

	Combination aircraft		
	B-737	FH-227	F-27
Cubic feet: ¹			
Cabin	4,636	1,949	1,406
Belly	875	326	191
Total	5,511	2,275	1,597
Revenue aircraft miles flown ²	5,649,397	183,382	50,110
Available cubic foot-miles (000):			
Cabin	⁴ 16,626,175.37	357,411.52	70,454.66
Percent of maximum seats on aircraft ³	66.52	68.31	67.58
Capacity for seats	11,059,731.86	244,147.81	47,613.26
Capacity for cargo	5,566,443.51	113,263.71	22,841.40
Belly	4,943,222.38	59,782.53	9,571.01
Total cargo	10,509,665.89	173,046.24	32,412.41
Aircraft total	31,133,826.87	417,194.05	80,025.67
Cargo cube capacity (percent)	33.76	41.48	40.50

¹ Wien 404.² Wien 101, Docket 35351.³ Wien 405.⁴ 2,943 usable cubic feet.

Appendix G (Revised).—Wien Air Alaska, Inc.; Capacity Costs

[Calendar year 1978]

	F-27			Substitute			Subcontract scheduled combination
	System	Scheduled		System	Scheduled		
		Combination	All cargo		Combination	All cargo	
Flying operations.....	\$123,359			\$436,000			\$3,749,768
Adjustments:							
Pilot salaries ¹	4,671						
Fuel ²	17,470						
Adjusted flying operations ³	145,500	\$99,530	\$43,251	436,000	9,137	426,863	3,749,768
Flight equipment maintenance.....	199,503						
Additional labor expense ⁴	15,257						
Adjusted Flt. Equip. Maint. ⁵	214,760	146,908	63,839				
Aircraft servicing:							
Control ⁶		5,868	2,553		537	25,171	221,124
Landing fees ⁷		4,220	1,845				
Line servicing ⁸		5,222	2,283		125	6,181	80,290
Maint.—Grnd. Prop. and Equip.....		8,179	3,576		196	9,682	125,770
Subtotal.....		269,927	117,347		9,995	467,897	4,176,952
Gen. and Admin. Exp. at 9.1633 percent ⁹		24,734	10,753		916	42,875	382,747
Total cash costs.....		294,661	128,100		10,911	510,772	4,559,699
Depr.—Flt. Equip.—Regulatory ¹⁰	20,771	14,209	6,174				
Amort.—Flt. Equip. ¹¹							
Depr.—Gen. Grnd. Prop. and Equip.....		2,807	1,227		67	3,323	43,166
Amort.—Gen. Grnd. Prop. and Equip.....		18	8			21	275
Depr.—Maint. Equip.....		5,639	2,451		7	352	4,573
Total capacity costs.....		317,334	137,960		10,985	514,468	4,607,713

¹Wien 1005, Docket 35351.²Appendix K (Rev.), 34.65 percent.³Allocated on revenue block hours.⁴Appendix H.⁵Allocated on rev. block hrs. weighted by flying operations exp. per

RBH.....

⁶Allocated on departures weighted by max. landing weight.....⁷Allocated on departures weighted by max. takeoff weight.....⁸Appendix J (Rev.)⁹Allocated on basis of total cash maint. exp. (\$9,768,481).

Appendix G (Revised).—Wien Air Alaska, Inc.; Capacity Costs

[Calendar year 1978]

	B-737			FH-227		
	System	Schedule		System	Schedule	
		Combination	All cargo		Combination	All cargo
Flying operations.....	\$12,696,643			\$755,564		
Adjustments:						
Pilot salaries ¹	519,934			28,631		
Fuel ²	2,782,550			84,494		
Adjusted flying operations ³	16,199,127	\$14,427,648	\$1,533,950	868,689	\$337,653	\$75,523
Flight equipment maintenance.....	6,333,773			1,019,243		
Additional Labor Expense ⁴	289,514			61,426		
Adjusted Flt. Equip. Maint. ⁵	6,623,287	5,898,988	627,181	1,080,669	420,049	93,953
Aircraft Servicing:						
Control ⁶	¹ 1,261,923	850,814	90,459		19,910	4,453
Landing fees ⁷	⁸ 827,920	702,394	61,194		16,495	3,181
Line servicing ⁸	⁹ 1,180,871	832,289	81,223		20,570	3,967
Maint.—Grnd. Prop. and Equip.....	¹⁰ 1,849,765	1,460,376	127,232		32,222	6,214
Subtotal.....		24,272,509	2,521,239		924,503	204,453

Appendix G (Revised).—Wien Air Alaska, Inc.; Capacity Costs—Continued

[Calendar year 1978]

System	B-737			FH-227		
	System	Schedule		System	Schedule	
		Combination	All cargo		Combination	All cargo
Gen. and Admin. Exp. at 9.1633 pct ^a		2,224,163	231,029		77,604	17,162
Total cash costs		26,496,672	2,752,268		924,503	204,453
Depr.—Fit. Equip.—Regulatory ³	2,407,225	2,143,979	227,948	240,705	93,560	20,927
Amort.—Fit. Equip. ³	66,477	59,207	6,295	40,507	15,745	3,522
Depr.—Gen. Grnd. Prop. and Equip.	634,872	501,227	43,668		11,059	2,133
Amort.—Gen. Grnd. Prop. and Equip.	4,042	3,191	278		70	14
Depr.—Maint. Equip.	355,154	267,565	27,428		16,443	3,642
Total capacity costs		29,471,841	3,057,885		1,061,380	234,691
¹ Wien 1005, Docket 35351.						
² Appendix K (Rev.) 34.65 pct.						
³ Allocated on revenue block hours	19,047.8	16,964.8	1,803.7	2,525.9	981.8	219.6
⁴ Appendix H.						
⁵ Allocated on rev. block. hrs. weighted by flying operations exp. per RBH	25,162.1	(\$850.45)	16,964.8	1,803.7	1,021.4 (\$343.91)	397.0
⁶ Allocated on departures weighted by max. landing weight	18,129.74	19,047.8	15,380.99	1,340.03	361.20	69.66
⁷ Allocated on departures weighted by max. takeoff weight	21,841.03		17,322.28	1,509.16	382.20	73.71
⁸ Appendix J (Rev.)						
⁹ Allocation basis of total cash maint. exp. (\$9,768,481).						

Appendix J—Wien Air Alaska, Inc.—Computation of G. and A. Ratio

[Calendar year 1978]

	Reported	Adjustments	Adjusted
Total operating expense	\$60,170,243	¹ \$5,705,392	\$65,875,635
Less: G. & A. Exp.	4,859,849	² 283,648	5,143,497
Depr. and Amort. Exp.	3,387,841		3,387,841
Transport related	1,212,939		1,212,939
All other cash operating exp.			56,131,358
Percent G. & A. ratio			9.1633

¹ Wien 406 data adjusted for fuel cost increases of \$2,884,514 less \$5,296 for aircraft no longer used.² Wien 406.

Appendix K (Revised).—Wien Air Alaska, Inc.; Fuel Cost Escalation; Intra-Alaska Scheduled Services

	Gallons	Cost	Cost per gallon (cents)
Calendar year 1978	16,603,197	\$7,231,183	43.55
Calendar Year 1979	21,123,184	12,386,096	58.64
Percent increase 1979 over 1978			34.65

Source: C.A.B. Form 41 Reports, Schedule P-12(a).

[FR Doc. 80-11524 Filed 4-17-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Bureau of Standards

Memorandum of Understanding Between the National Bureau of Standards, Department of Commerce, and the Geological Survey, Department of the Interior, Regarding Standardization of Data Elements and Representations for Use in Automated Earth Science Systems

In accordance with section 6.7 of Part 6, Title 15 of the Code of Federal Regulations, the National Bureau of Standards has the responsibility for arranging with appropriate executive branch departments and independent

agencies to assume leadership and undertake responsibilities for the development and maintenance of specific Federal program and Federal general data element and representation standards.

An arrangement has been made between the National Bureau of Standards and the Geological Survey on the standardization of data elements and representations used in automated Earth science systems. This notice provides the text of the memorandum of understanding between the National Bureau of Standards and the Geological Survey in this area of standardization.

Dated: April 15, 1980.

Ernest Ambler,
Director.Memorandum of Understanding
Bureau of the National Bureau of
Standards, Department of Commerce,
and the Geological Survey,
Department of Interior

1. *Objective.* To establish cooperation between the National Bureau of Standards and the Geological Survey regarding the standardization of data elements and representations used in automated Earth science systems. The Geological Survey will assume leadership in the development and maintenance of Earth science data

element and representation standards for use in the Federal establishment.

2. **Authorities.** The National Bureau of Standards has the responsibility for arranging with appropriate executive branch departments and independent agencies to assume leadership and undertake responsibilities for the development and maintenance of specific Federal program and Federal general standards (15 CFR 6.7(a)(2)(i)).

The Geological Survey has the responsibility for the classification of the public lands and the examination of the geological structure, mineral resources, and products of the national domain (43 U.S.C. 31).

3. **Applicable Policy:** Data elements and representations that are prescribed for interchange among more than one executive department or agency or with the private sector including industry, state, local, or other Governments, or with the public at large will be considered for standardization as either Federal general or Federal program standards. Federal general standards are the highest level standards followed by Federal program standards, agency standards, and unit standards in that order (15 CFR 6.6 (a), (b)).

4. **Definition:** Earth sciences are those scientific disciplines especially required to carry out the mission of the Geological Survey and are concerned with the material and morphology of the Earth and physical forces relating to the Earth. These disciplines include geology, topography, geography, and hydrology.

5. **Responsibilities of the National Bureau of Standards**

The National Bureau of Standards will:

1. Prepare submissions for the approval by the Secretary of Commerce of standards recommended by the Geological Survey as Federal programs standards and Federal general standards in the Earth science disciplines.

2. Maintain and publish at least annually a registry of approved standards and those under development concerned with data elements and representations in the Earth science disciplines in the Federal Information Processing Standards series.

3. Provide procedures, guidelines, and criteria concerning the standardization of data elements and representations to assist the Geological Survey in the development and the maintenance of Earth science data standards.

4. Arrange for and coordinate appropriate representation and participation on Federal data standards committees for the purpose of review and comment on proposed Earth science

data standards that are used in automated systems.

5. Arrange for the publication of this agreement in the **Federal Register**.

6. Designate an office or official to act as a single point of contact on matters related to this agreement.

6. **Responsibilities of the Geological Survey**

The Geological Survey will:

1. Assume leadership and work with other agencies in the development of Federal general and Federal program data standards in the Earth sciences.

2. Assist the National Bureau of Standards in the assessment of the need, impact, benefits, and problems related to the implementation of standards being considered for development or developed under this agreement.

3. Review and process all requests referred by the National Bureau of Standards for exceptions, deferments, and revisions of standards applicable to Federal Earth science information systems and forward appropriate recommendations on these requests to the National Bureau of Standards.

4. Prepare and submit an annual status report for the National Bureau of Standards listing data elements and representations to be incorporated in standards planned and/or under development for use within the data systems of the Geological Survey. These reports will serve as source references to avoid duplication in the design of new data element codes and representations to assist in determining possible subjects for future Federal standardization.

5. Participate, at the request of the National Bureau of Standards, on committees and task groups that may be formed to develop and maintain voluntary national industry standards and Federal general and program standards which have a relationship to the Survey's mission.

6. Serve as the maintenance agency for all standards developed and approved under this agreement unless other arrangements are acceptable to both parties. The Geological Survey will submit to NBS any alterations or updates required of such standards at time intervals determined by good professional practice to keep the standards current, but not less frequently than yearly.

7. Designate an office or official to act as a single point of contact on matters related to this agreement.

7. **Implementation:** This Memorandum of Understanding is subject to review and amendment at any time upon joint approval and may be terminated by either agency by a 60-day written notice to the other agency.

This Memorandum is effective when approved by authorizing officials from both agencies.

DOC/NBS Contact: Program Manager, Data Elements and Representations, National Bureau of Standards, Telephone, Commercial—(301) 921-3491, FTS—921-3491.

DOI/GS Contact: Data Base Administrator's Office, Geological Survey, Telephone, Commercial—(703) 860-6086, FTS—928-6086.

Dated: February 11, 1980.

Ernest Ambler,

Director, National Bureau of Standards, U.S. Department of Commerce.

Dated: December 21, 1979.

H. W. Menard,

Director, Geological Survey, U.S. Department of the Interior.

[FR Doc. 80-11904 Filed 4-17-80; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Connecticut Coastal Management Program; Draft Environmental Impact Statement; Public Hearings

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold public hearings for the purpose of receiving comments on the Draft Environmental Coastal Management Program.

The hearing schedule is:

Wednesday, May 7, 1980, 7:30 p.m.

New London High School, 490 Jefferson Avenue, New London, Connecticut.

Thursday, May 8, 1980, 10:00 a.m.

State Capitol, Room 4½, Capitol Avenue, Hartford, Connecticut.

Thursday, May 8, 1980, 7:30 p.m.

Agricultural Experiment Station, Jones Auditorium, 123 Huntington Street, New Haven, Connecticut.

The purpose of these hearings is to receive comments on the proposed Connecticut Coastal Management Program and the adequacy of the Draft Environmental Impact Statement. NOAA solicits the views of interested persons and organizations. Views may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of 5 minutes. This time allotment may be extended before the hearing when the number of speakers can be determined. No verbatim transcript of the hearing will be prepared, but the hearing staff will record and summarize the remarks.

The comment period for this DEIS will end on May 19, 1980.

All comments received at these hearings, and in writing before the above date, will be fully considered in the final decision on approval of the proposed program. These comments and a description of the proposed final decision will be included in the Final Environmental Impact Statement.

Copies of the DEIS may be obtained from the Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235 (telephone 202/634-4253).

Dated: April 15, 1980.

Michael Glazer,

Assistant Administrator, Coastal Zone Management.

[FR Doc. 80-11946 Filed 4-17-80; 8:45 am]

BILLING CODE 3510-08-M

National Marine Fisheries Service Fish and Wildlife Service; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The National Marine Fisheries Service and the U.S. Fish and Wildlife Service will hold a joint meeting to discuss implementation of the Emergency Striped Bass Study as authorized by the amended Anadromous Fish Conservation Act, (Pub. L. 96-118).

DATE: The meeting will convene on Monday, May 19, 1980, at 10 a.m., and will adjourn at approximately 5 p.m. The meeting is open to the public, however space is limited.

ADDRESS: National Marine Fisheries Service, Room 401, Page Building No. 2, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Richard H. Schaefer, State/Federal Division, Office of Resource Conservation and Management, National Marine Fisheries Service, Washington, D.C. 20235, telephone: (202) 634-7454.

Dated: April 14, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-12016 Filed 4-17-80; 8:45 am]

BILLING CODE 3510-22-M

Point Reyes—Farallon Islands Marine Sanctuary; Draft Environmental Impact Statement: Public hearings

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold

public hearings for the purpose of receiving comments on the Draft Environmental Impact Statement (DEIS) prepared on the Proposed Point Reyes—Farallon Islands Marine Sanctuary.

Hearings will be held on May 13, 1980 in the following locations: San Francisco, California—1:00 p.m., Jack Tar Hotel—Cathedral Hill Room B, Mezzanine Level, 1101 Van Ness Avenue and Point Reyes, California—7:00 p.m., West Marin School Auditorium, Highway 1.

The views of interested persons and organizations of the adequacy of the impact statement on the proposed Point Reyes—Farallon Islands Marine Sanctuary, are solicited, and may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of 5 minutes. This time allotment may be extended before the hearing when the number of speakers can be determined. No verbatim transcript of the hearing will be prepared; but staff present will record the general thrust of the remarks. The comment period for this draft environmental impact statement will end on May 27, 1980. As part of the procedures leading toward designation of this sanctuary, a Final Environmental Impact Statement, reflecting consideration of these comments, will be prepared pursuant to the National Environmental Policy Act of 1969 and its implementing guidelines. All written comments received by OCZM prior to the deadline will be included in the FEIS.

Dated: April 14, 1980.

Michael Glazer,

Assistant Administrator, Coastal Zone Management.

[FR Doc. 80-11947 Filed 4-17-80; 8:45 am]

BILLING CODE 3510-08-M

Pacific Fishery Management Council's Groundfish Advisory Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), has established a Groundfish Advisory Subpanel, which will meet to discuss proposed changes in the Draft Groundfish Fishery Management Plan.

DATES: The meeting will convene on Tuesday, May 13, 1980, at 1 p.m.; reconvene on Wednesday, May 14, at 8

a.m.; adjourn both days at 5 p.m. The meetings are open to the public.

ADDRESS: The meetings will take place at the Sheraton Portland Hotel, California Room, 1000 N.E. Multnomah, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201.

Dated: April 15, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-12017 Filed 4-17-80; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council, Its Scientific and Statistical Committee, and Its Pink Shrimp Subpanel; Public Meeting With Partially Closed Session; Amendment

ACTION: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), has changed its meeting times and/or dates for both open and closed Council sessions as follows. All other information remains unchanged. (FR Vol. 45, No. 70, April 9, 1980, pages 24217 and 24218).

Council—(open meeting) May 14-15, 1980, (8 a.m. to 5 p.m., both days).

Council—(closed meeting) May 13, 1980, (7 p.m. to approximately 9 p.m.)

FOR FURTHER INFORMATION CONTACT:

Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201. Telephone: (503) 221-6352.

Dated: April 15, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-12018 Filed 4-17-80; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), will discuss fishery management plans (FMP's) under Council review (mackerel, coral, spiny lobster); review status of FMP's under development (calico scallops, snapper-

grouper, billfish); discuss update on future FMP's, and other management and administrative business.

DATES: The meeting will convene on Tuesday, May 27, 1980, at approximately one p.m., and will adjourn on Friday, May 30, at approximately 12 noon. The meetings are open to the public.

ADDRESS: The meetings will take place at the Velvet Clock Inn, 1505 Hillsborough Street, Raleigh, North Carolina.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407. Telephone: (803) 571-4366.

Dated: April 15, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-12019 Filed 4-17-80; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1980 a commodity to be produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 18, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION:

On February 8, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notice (45 FR 8691) of proposed addition to Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1980:

Class 7210

Pillowcase 7210-01-030-5311

C. W. Fletcher,

Executive Director.

[FR Doc. 80-11905 Filed 4-17-80; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1980; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1980 services to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 21, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION:

This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested parties an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1980, November 27, 1979 (44 FR 67925):

SIC 5812

Food Service Sheppard AFB, Texas.

SIC 7349

Janitorial/Custodial Service, U.S. Army Reserve Center, Malone, New York.

C. W. Fletcher,

Executive Director.

[FR Doc. 80-11906 Filed 4-17-80; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1980; Proposed Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed deletion from procurement list.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1980 a commodity produced by

workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 21, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION:

This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested parties an opportunity to submit comments on the possible impact of the proposed action.

It is proposed to delete the following commodity from Procurement List 1980, November 27, 1979 (44 FR 67925):

CLASS 8465

Bag, Duffel, 8465-00-265-4928.

C. W. Fletcher,

Executive Director.

[FR Doc. 80-11907 Filed 4-17-80; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence School Panel of the National Defense University and the Defense Intelligence School

Pursuant to the provisions of Sub-Section (d) Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a partially closed meeting of the Defense Intelligence School Panel of the Board of Visitors of the National Defense University and the Defense Intelligence School will be held on-site at the School in Washington, D.C. on 19, 20 and 21 May 1980.

Morning sessions on 19, 20 and 21 May will be devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and will therefore be closed to the public. Subject matter will be concerned with specialized instructional requirements and related curricula content.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 15, 1980.

[FR Doc. 80-11903 Filed 4-17-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY**Economic Regulatory Administration****Ayers Oil Co., Inc.; Proposed Remedial Order**

Pursuant to 10 CFR Section 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Ayers Oil Company, P.O. Box 229, Canton, Missouri 63435. This Proposed Remedial Order charges Ayers with pricing violations in the amount of \$243,857, in sales of motor gasoline and middle distillates during the time period November 1, 1973, through April 30, 1974, in the State of Missouri.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. On or before May 5, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 C.F.R. Section 205.193.

Issued in Kansas City, Missouri, on the 8th day of April 1980.

William D. Miller,
District Manager, Central Enforcement District.

[FR Doc. 80-11924 Filed 4-17-80; 8:45 am]
BILLING CODE 6450-01-M

Windsor Gas Corp.; Proposed Remedial Order

Pursuant to 10 C.F.R. § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Windsor Gas Corporation of Houston, Texas. This Proposed Remedial Order charges Windsor Gas Corporation with pricing violations in the amount of \$77,548.54, connected with the sale of gas well condensate at prices in excess of the upper tier ceiling price set forth in 10 C.F.R. §§ 212.74 and 212.77 and the sale of crude oil at prices in excess of the ceiling price set forth in 10 C.F.R. § 212.73.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235—(214) 767-7745. On or before May 5, 1980 any aggrieved person may file a Notice of Objection with the Office of Hearings and

Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 C.F.R. § 205.193.

Issued in Dallas, Texas, on the 4th day of April, 1980.

Herbert F. Buchanan,
Deputy District Manager, Southwest Enforcement District, Economic Regulatory Administration.

[FR Doc. 80-11923 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission**[Docket No. RA80-18]****Bud's "66" Service, Inc.; Filing of Petition for Review Under 42 U.S.C. 7194**

Issued April 11, 1980.

Take notice that Bud's "66" Service, Inc. on March 18, 1980 filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before April 23, 1980 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement and Litigation, Department of Energy, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-11930 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. CP80-301 and G-1326]**Colorado Interstate Gas Co.; Application**

April 11, 1980.

Take notice that on March 27, 1980, Colorado Interstate Gas Company

(Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP80-301 an application pursuant to Section 7 of the Natural Gas Act for permission and approval of the abandonment of certain facilities, and for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in order to implement all terms and conditions of the settlement agreement and 1980 processing plant agreement between Applicant and MAPCO Inc. (MAPCO) and MAPCO Westpan Inc. (Westpan), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically requests authorization to implement all terms and conditions of a settlement agreement and 1980 processing plant agreement both between CIG and MAPCO and Westpan, dated February 26, 1980, which includes the following:

(1) Permission and approval to abandon and sell to MAPCO a processing plant and certain associated facilities at Applicant's Bivins Complex in Moore County, Texas. It is stated that the facilities to be sold include the liquid hydrocarbon extraction plant, liquid hydrocarbon storage and truck loading facilities, steam boiler plant, raw water treatment facilities, cooling water system, including towers and circulating pumps, natural gas sweetening facility, pollution control system, wastewater disposal facilities, the calorimeter and laboratory building and various other minor facilities. Applicant also proposes to sell to MAPCO a 4-inch liquid products pipeline between its Bivins and Fourway Complexes in Moore County, Texas. The sale price of the facilities would be \$1,550,000, it is said.

(2) Permission and approval to abandon and salvage a processing plant and four 1,320 compressor units at Applicant's Fourway Complex in Moore County, Texas, inasmuch as both the plant and the field compressors are currently used as standby facilities, and no future need for these facilities in their present location is contemplated, Applicant asserts.

(3) Removal of the rate condition imposed on Applicant by order issued March 1, 1951, in Docket No. G-1326, as amended, relating to the costs of extracting hydrocarbons allowed in Applicant's cost of service and to permit the rate and accounting treatment of those aspects as shown in the settlement agreement and the processing agreement inasmuch as Applicant would no longer own and operate the liquid extraction plants upon implementation of the settlement, agreement it is stated.

(4) Approval of the rate and accounting treatment as shown in the settlement agreement and processing plant agreement.

(5) Authorization to construct and operate certain facilities to permit the sale of fuel gas to MAPCO. These facilities are estimated to cost \$12,200, it is said.

(6) Authorization to transport gas for a direct sale to MAPCO for plant fuel pursuant to a direct gas sales agreement dated February 26, 1980. It is stated that the sale price would be the rate applicable to Applicant's Rate Schedule F-2. The sales volume are estimated to be initially approximately 4,800 Mcf per day, it is said.

It is stated that, in general, the settlement agreement provides for:

(1) The dismissal with prejudice of all pending litigation, including counterclaims, between the parties;

(2) The release by the parties of each other from all claims as of January 1, 1980, whether or not the subject of pending litigation;

(3) The grant by MAPCO to Applicant of any and all rights MAPCO has, claims, or has claimed to certain constituents (primarily ethane) in the natural gas in place in the West Panhandle Field;

(4) The sale by Applicant to MAPCO of its Bivins Plant, a 4-inch products pipeline between Bivins and Fourway, and certain other ancillary facilities for \$1,550,000;

(5) The execution and delivery of the processing agreement governing MAPCO's operation of, and processing rights at, the Bivins Plant and MAPCO's Fritch plants; and

(6) The release by Applicant of its rights to certain percentages of the gross proceeds from the sale of the liquid hydrocarbons extracted at Bivins and Fritch. The release of 10 percent of such proceeds at each plant is deemed to be in payment for MAPCO's grant to Applicant referred to in (3) above.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in

any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11931 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-590]

Fair Environmental Deals for United People v. National Fuel Gas Supply Corp. and National Gas Storage Corp.; Extension of Time

April 11, 1980.

On March 26, 1980, Fair Environmental Deals for United People (FEDUP) filed a request for an extension of time to file briefs opposing exceptions to the Initial Decision issued January 14, 1980, in the above-docketed proceeding. The motion states that additional time is needed because the Co-Chairman of FEDUP, who will be preparing the brief, was ill during the first week of the briefing period and also experienced a family tragedy which required his considerable attention during the ensuing weeks. The motion further states that the brief on exceptions which was filed by the respondents in this proceeding requires an involved review and this review has been hampered by the Co-Chairman's inadequate access to legal reference materials.

Upon consideration, notice is hereby given that an extension of time for the

filing of briefs opposing exceptions is granted to and including April 18, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11932 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL80-19]

Massachusetts Municipal Wholesale Electric Co. v. Power Authority of the State of New York; Extension of Time

April 11, 1980.

On April 7, 1980, the Power Authority of the State of New York filed a request for an extension of time to answer the complaint of the Massachusetts Wholesale Electric Company filed March 4, 1980, in the above-docketed proceeding. The motion states that additional time is needed because the Power Authority's legal staff are currently engaged in the trial of proceedings before the Commission.

The motion further requests that this proceeding be consolidated with another Commission proceeding (Docket No. EL80-24) which involves a complaint against the Power Authority by the Connecticut Municipal Electric Energy Cooperative. This motion for consolidated will be addressed after the period for filing answers thereto has expired.

Upon consideration, notice is hereby given that an extension of time for filing an answer in the subject proceeding is granted to and including May 9, 1980. This is the established date for filing answers in Docket No. EL80-24.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11933 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP73-91 (PGA80-1)]

McCulloch Interstate Gas Corp.; Purchased Gas Adjustment Clause

April 11, 1980.

Take notice that on March 14, 1980 McCulloch Interstate Gas Corporation ("McCulloch Interstate") tendered for filing copies of Nineteenth Revised Sheet No. 32 to its FERC Gas Tariff Original Volume No. 1, as required under the Commission's Rules and Regulations under the Natural Gas Act.

McCulloch Interstate's Nineteenth Revised Sheet No. 32 provides for a Purchased Gas Adjustment rate increase of 21.80¢ per MMBtu effective May 1, 1980. McCulloch Interstate's filing is made in order to: (1) Recover the balance in McCulloch's Unrecovered Purchased Gas Cost Account as of

January 31, 1979 and January 31, 1980 (2) To provide for a current Gas Cost Adjustment in order to permit McCulloch to reflect the higher cost of gas purchases, and (3) To recover a carrying surcharge of nine percent (9%) permitted under FERC Order No. 13-A (Table VI).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11934 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC80-59]

Mississippi River Transmission Corp.; Proposed Change in Rates

April 8, 1980.

Take notice that on March 14, 1980, Mississippi River Transmission Corporation (Mississippi), 9900 Clayton Road, St. Louis, Missouri 63124, submitted for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following Tariff sheets to become effective April 15, 1980:

First Revised Sheet No. 35.
Second Revised Sheet No. 36.
First Revised Sheet No. 38.
Second Revised Sheet No. 39

The instant filing is said to be made to reflect changes in the Index of Protected Essential Agricultural Use (Step 10) Entitlements and in the Index of High Priority (Step 11) Entitlements to be effective during the period, April 15 through October 31, 1980, pursuant to paragraph 8.2(a)(i) of Mississippi's curtailment plan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, in accordance with Section 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1980. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 11942 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-303]

Northern Natural Gas Co.; Application

April 11, 1980.

Take notice that on March 31, 1980, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-303 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, by purchase, of partial ownership in certain existing offshore compression facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to purchase, from Getty Reserve Oil, Inc. (Reserve), their undivided 13.5 percent fractional interest in the compression facilities on the South Pelto Area Block 13 Central Separation Platform, all in South Pelto Block 13, offshore Louisiana. It is stated that this proposed purchase is made in conjunction with a gas purchase agreement between Applicant and Reserve in which Applicant has purchased certain gas volumes from Reserve in the South Pelto Block 8 and 13 areas. Additionally, it is stated that Applicant has assumed a contractual obligation to acquire the facilities herein proposed under a gas compression facility purchase agreement dated August 22, 1978. Applicant asserts that installation of the proposed compression is required in order that casinghead reserves delivered from the two referenced areas can be delivered into Applicant's gas pipeline against the planned operating pressure of such connecting lines.

The proposed cost to Applicant of acquiring Reserve's interest in the said compression facilities is stated to be \$122,639 which cost would be financed with general corporate funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 1980, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11936 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. E-7777, (Phase II)]

Pacific Gas & Electric Co.; Extension of Time

April 9, 1980.

On April 2, 1980, Southern California Edison Company (SCE) and Pacific Gas and Electric Company (PG&E) filed a joint motion for reconsideration of a Notice Granting Extension of Time issued March 26, 1980, in the above-docketed proceeding. The motion states that additional time is required to respond to a Motion for Extraordinary Relief filed by the Northern California Power Agency (NCPA) in this proceeding, beyond the two week extension granted by the March 26, 1980, notice. In support of this request, the motion states that SCE's and PG&E's trial counsel are still involved on a daily

basis in ongoing hearings in this proceeding. The motion further states that while SCE and PG&E have completed their initial review of NCPA's Motion for Extraordinary Relief, additional time is needed to prepare their final responses to that motion.

Upon consideration, notice is hereby given that an extension of time for filing answers to NCPA's motion is granted to and including May 2, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11949 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-241]

Southern Natural Gas Co.; Petition To Amend

April 11, 1980.

Take notice that on March 27, 1980, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP78-241 a petition to amend the order issued March 22, 1979, in the instant docket, pursuant to Section 7(c) of the Natural Gas Act, so as to authorize the transportation of natural gas on an interruptible basis for an additional two-year period commencing July 14, 1980, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is presently authorized to transport for two years up to 12,000 Mcf of gas per day on an interruptible basis for Transcontinental Gas Pipe Line Corporation (Transco) individually and as agent for certain Transco customer participants in the Transmac Exploration and Development Program from mile post 14.053 on Petitioner's 20-inch Main Pass-Franklin Line in Plaquemines Parish, Louisiana, to an existing interconnection between Applicant and Transco near Jonesboro, Georgia. Petitioner states deliveries of said gas began July 14, 1978.

Petitioner proposes to continue said transportation service for an additional two-year period, commencing July 14, 1980.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 2, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All

protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11938 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-423]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Petition To Amend

April 11, 1980.

Take notice that on March 19, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP78-423 a petition to amend the order issued on November 14, 1978, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas for Michigan Wisconsin Gas Pipe Line Company (Mich Wisc), on a best-efforts basis, at an additional delivery point in St. Mary Parish, Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that in the instant docket it was authorized to transport for the account of Mich Wisc up to 40,000 Mcf of natural gas per day, which volumes are available from Mich Wisc's Vermilion Block 242, offshore Louisiana. It is stated that Petitioner takes receipt of Mich Wisc's gas at a point on Petitioner's line in Vermilion Block 245 and transports such gas through its existing facilities for redelivery to Mich Wisc at an existing point of interconnection of the facilities of Petitioner and Mich Wisc located at existing authorized delivery points in Louisiana. Petitioner proposes herein to establish a new delivery point at Atlantic Richfield Oil Company's Bayou Sale Plant, St. Mary Parish, Louisiana. Pursuant to the amended transportation rate of 4.54 cents per Mcf and would retain 1.4 percent of the volumes received for fuel use.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 2, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the

requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11939 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-305]

Texas Eastern Transmission Corp.; Application

April 11, 1980.

Take notice that on April 2, 1980, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP80-305 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 50,000 dekatherms (dt) equivalent of natural gas per day for Long Island Lighting Company (Long Island), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Long Island has arranged to purchase natural gas from Equitable Gas Company (Equitable) for electric generation to displace oil, it is stated. Applicant proposed herein to receive from Equitable the stated quantities of natural gas at the existing point of interconnection between Applicant and Equitable located in Westmoreland County, Pennsylvania, or at other mutually agreeable points of receipt in Applicant's Zone C, and to transport and redeliver equal quantities, less quantities of fuel and shrinkage, to Long Island at the existing point of interconnection with Applicant located in Richmond County, New York, or at other mutually agreeable points of delivery, for a term ending May 31, 1980, it is stated.

Applicant states that it would charge Long Island a rate of 16.08 cents per dt equivalent delivered by Applicant to or for the account of Long Island. However, for quantities delivered by Applicant which, when added to quantities delivered by Applicant to Long Island under Applicant's Rate Schedules TS-1

and ISS or proposed Schedule SS-II and other transportation agreements, exceed the combined total curtailment of gas sales to Long Island under all of Applicant's firm sales rate schedules, the rate would be 18.80 cents per dt equivalent, subject to the outcome of proceedings at Docket No. RP78-87, it is asserted. In addition, Applicant would retain for fuel use and shrinkage an amount of gas equal to 6 percent of the quantities transported through April 25, and 3 percent thereafter through May 31, 1980, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth Plumb,

Secretary.

[FR Doc. 80-11940 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-300]

Transcontinental Gas Pipe Line Corp.; Application

April 11, 1980.

Take notice that on March 26, 1980, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP80-300 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline looping necessary to expand the capacity of its Southwest Louisiana Gathering system (SWLGS), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that the SWLGS is one of the primary facilities transporting gas volumes delivered onshore by U-T Offshore System (U-TOS), which in turn is the primary transporter of gas supplies delivered by High Island Offshore System (HIOS). The SWLGS also transports gas supplies gathered by Applicant's North High Island System, as well as supplies in proximity to the SWLGS, it is said.

Specifically, Applicant seeks authorization to construct 20.53 miles of 36-inch pipeline loop on its SWLGS in Cameron and Calcasieu Parishes, Louisiana. Applicant states that the proposed looping facilities would increase the capacity of the SWLGS from 1,130,448 Mcf per day to 1,525,464 Mcf per day, an increase of 395,016 Mcf per day. This expansion of capacity, Applicant submit, is required to facilitate transportation of additional gas sources to be attached. Applicant states that the additional gas supplies to be attached would primarily come from High Island Block 110, with smaller increased volumes from sources at Sabine Lake, Louisiana, and from HIOS/U-TOS.

The estimated cost of the proposed facilities is \$25,040,000 which cost would be financed initially through short-term loans and funds on hand, with permanent financing to be arranged as part of the Applicant's overall long-term financing program.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All

protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11941 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 179]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 11, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Mississippi Oil and Gas Board

1. Control number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
1. 80-21821/7-80-11
 2. 23-073-20181-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. J M Andrew No 70

6. Baxterville
 7. Lamar, MS
 8. 30.0 million cubic feet
 9. March 26, 1980
 10. United Gas Pipeline Co
 1. 80-22814/108-79-448
 2. 23-091-20058-0000
 3. 102 000 000
 4. Sonat Exploration Company
 5. Maxie Forbes et al No 1
 6. West Sandy Hook
 7. Marion, MS
 8. 219.0 million cubic feet
 9. March 26, 1980
 10. Southern Natural Gas Co
 1. 80-22815/3-80-399
 2. 23-113-20080-0000
 3. 102 000 000
 4. Meyers-Lasher Inc
 5. Slaton unit 4-16 No 1
 6. Chatawa
 7. Pike, MS
 8. 36.0 million cubic feet
 9. March 26, 1980
 10. Transcontinental Gas Pipeline Corp
 1. 80-22816/5-80-418
 2. 23-091-20081-0000
 3. 102 000 000
 4. Harkins & Co
 5. Nelson Stringer 22-4 No 1
 6. Green Creek
 7. Marion County, MS
 8. 1460.0 million cubic feet
 9. March 26, 1980
 10. Transcontinental Gas Pipeline Corp
 1. 80-22817/17-80-11
 2. 23-073-20178-0000
 3. 103 000 000
 4. Sun Oil Co (Delaware)
 5. Snowden Davis Unit No 3
 6. Baxterville
 7. Lamar, MS
 8. 19.0 million cubic feet
 9. March 26, 1980
 10. United Gas Pipeline Co
 1. 80-22818/18-80-426
 2. 23-031-20043-0000
 3. 107 000 000
 4. Union Oil Company of California
 5. M E Page 4-7 No 1
 6. McRaney
 7. Covington, MS
 8. 1140.0 million cubic feet
 9. March 26, 1980
 10. Mississippi Power and Light Co
 1. 80-22819/22-80-42
 2. 23-035-00000-0000
 3. 108 000 000
 4. Norton Oil Company Inc
 5. Creosote Oil Corp A-3E
 6. Pistol Ridge Field
 7. Forrest County, MS
 8. 14.4 million cubic feet
 9. March 26, 1980
 10. United Gas Pipeline Co
 1. 80-22820/6-80-11
 2. 23-073-20184-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. W E Davis No 10
 6. Baxterville
 7. Lamar, MS
 8. 30.0 million cubic feet
 9. March 26, 1980
 10. United Gas Pipeline Co

1. 80-22822/8-80-11
 2. 23-073-20166-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. J M Andrew No 63
 6. Baxterville
 7. Lamar, MS
 8. 30.0 million cubic feet
 9. March 26, 1980
 10. United Gas Pipeline Co
 1. 80-22823/9-80-11
 2. 23-073-20173-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. J M Andrew No 64
 6. Baxterville
 7. Lamar, MS
 8. 30.0 million cubic feet
 9. March 26, 1980
 10. United Gas Pipeline Co
 1. 80-22824/10-80-11
 2. 23-073-20180-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. J M Andrew No 69
 6. Baxterville
 7. Lamar, MS
 8. 30.0 million cubic feet
 9. March 26, 1980
 10. United Gas Pipeline Co
 1. 80-22825/11-80-11
 2. 23-073-20171-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. I H Bass et al No 82
 6. Baxterville
 7. Lamar, MS
 8. 30.0 million cubic feet
 9. March 26, 1980
 10. United Gas Pipeline Co
 1. 80-22826/12-80-11
 2. 23-091-20094-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. R L Davis No 3
 6. Baxterville
 7. Marion, MS
 8. 30.0 million cubic feet
 9. March 26, 1980
 10. United Gas Pipeline Co
 1. 80-22827/13-80-11
 2. 23-073-20172-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. Mrs L T Simpson No 10
 6. Baxterville
 7. Lamar, MS
 8. 30.0 million cubic feet
 9. March 26, 1980
 10. United Gas Pipeline Co
 1. 80-22828/14-80-11
 2. 23-073-20153-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. I H Bass et al No 81
 6. Baxterville
 7. Lamar, MS
 8. 30.0 million cubic feet
 9. March 26, 1980
 10. United Gas Pipeline Co
 1. 80-22829/15-80-11
 2. 23-073-20157-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. W J Howard No 10

6. Baxterville
 7. Lamar, MS
 8. 30.0 million cubic feet
 9. March 26, 1980
 10. United Gas Pipeline Co
 1. 80-22830/16-80-11
 2. 23-091-20070-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. Mississippi College No 2
 6. Baxterville
 7. Marion, MS
 8. 30.0 million cubic feet
 9. March 26, 1980
 10. United Gas Pipeline Co

Oklahoma Corporation Commission

1. Control Number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 80-22701/01773
 2. 35-047-21454-0000
 3. 103 000 000
 4. Viersen & Cochran
 5. #4 Eggers-Barbee unit
 6. Sooner Trend
 7. Garfield, OK
 8. 159.0 million cubic feet
 9. March 27, 1980
 10. Champlin Petroleum Co
 1. 80-22702/02330
 2. 35-073-22147-0000
 3. 103 000 000
 4. Northwestern Production Inc
 5. Diana Helen #1
 6. Sooner Trend
 7. Finfisher, OK
 8. 100.0 million cubic feet
 9. March 27, 1980
 10. Conoco Inc
 1. 80-22703/01771
 2. 35-047-21373-0000
 3. 103 000 000
 4. Viersen & Cochran
 5. Eggers-Barbee unit #2
 6. Sooner Trend
 7. Garfield, OK
 8. 50.0 million cubic feet
 9. March 27, 1980
 10. Champlin Petroleum Co
 1. 80-22704/01735
 2. 35-047-00000-0000
 3. 103 000 000
 4. Carl E Gungoll
 5. Newell #2
 6. Sooner Trend
 7. Garfield, OK
 8. 9.0 million cubic feet
 9. March 27, 1980
 10. Phillips Petroleum Co
 1. 80-22705/01776
 2. 35-047-21474-0000
 3. 103 000 000
 4. Sun Oil Co
 5. F A Baylor No 2
 6. Douglas West
 7. Garfield, OK
 8. 105.0 million cubic feet

9. March 27, 1980
10. Exxon Co USA
1. 80-22706/03256
2. 35-071-21273-0000
3. 103 000 000
4. Chase Exploration Corp
5. Honick #2-3
6. Unnamed
7. Kay, OK
8. 25.0 million cubic feet
9. March 27, 1980
10. Cities Service Gas Co, Chase Gathering Systems Inc
1. 80-22707/03205
2. 35-105-21461-0000
3. 103 000 000
4. Three Sands Oil Inc
5. Mary Porter #2
6. Northeast Nowata
7. Nowata, OK
8. 7.0 million cubic feet
9. March 27, 1980
10. Nowata Gathering Ltd
1. 80-22708/03255
2. 35-071-21274-0000
3. 103 000 000
4. Chase Exploration Corp
5. Schulz #2-3
6. Unnamed
7. Kay, OK
8. 15.0 million cubic feet
9. March 27, 1980
10. Cities Service Gas Co, Chase Gathering Systems Inc
1. 80-22709/01839
2. 35-047-21294-0000
3. 103 000 000
4. Viersen & Cochran
5. Chuda unit #2
6. Sooner Trend
7. Garfield, OK
8. 57.0 million cubic feet
9. March 27, 1980
10. Champlin Petroleum Co
1. 80-22710/01840
2. 35-047-21395-0000
3. 103 000 000
4. Viersen & Cochran
5. Chuda unit #3
6. Sooner Trend
7. Garfield, OK
8. 65.0 million cubic feet
9. March 27, 1980
10. Champlin Petroleum Co
1. 80-22711/03224
2. 35-003-20109-0000
3. 108 000 000
4. Blaik Oil Co
5. Paul #1
6. Sooner Trend
7. Alfalfa, OK
8. 11.0 million cubic feet
9. March 27, 1980
10. Aminoil USA Inc
1. 80-22712/03195
2. 35-139-21135-0000
3. 103 000 000
4. Southland Royalty Co
5. Albright #1-33
6. North Hooker
7. Texas, OK
8. 90.0 million cubic feet
9. March 27, 1980
10. Northern Natural Gas Co
1. 80-22713/03189
2. 35-001-20891-0000
3. 103 000 000
4. Northern Natural Gas Co
5. Groendyke No 1-2
6. Undesignated
7. Blaine, OK
8. 300.0 million cubic feet
9. March 27, 1980
10. Public Service Co of Oklahoma
1. 80-22714/03184
2. 35-087-20389-0000
3. 103 000 000
4. Universal Resources Corp
5. Vaughn #1-10
6. Payne
7. McClain, OK
8. 162.0 million cubic feet
9. March 27, 1980
10. Sun Gas Co
1. 80-22715/01820
2. 35-093-21411-0000
3. 103 000 000
4. Andover Oil Co
5. Scott-Martin #23-1
6. Sooner Trend
7. Major, OK
8. 40.0 million cubic feet
9. March 27, 1980
10. Cities Service Gas Co
1. 80-22716/03197
2. 35-119-20971-0000
3. 103 000 000
4. Altman Operating Co
5. State 1-A
6. Northwest Ingalls
7. Payne, OK
8. 13.0 million cubic feet
9. March 27, 1980
10. Colorado Gas Compression Inc
1. 80-22717/01734
2. 35-047-00000-0000
3. 103 000 000
4. Carl E Gungoll
5. Newell #2
6. Sooner Trend
7. Garfield, OK
8. 85.0 million cubic feet
9. March 27, 1980
10. Phillips Petroleum Co
1. 80-22718/01757
2. 35-093-21512-0000
3. 103 000 000
4. Seneca Oil Co
5. Harper #1-21
6. Dane
7. Major, OK
8. 296.0 million cubic feet
9. March 27, 1980
- 10.
1. 80-22719/01480
2. 35-055-20127-0000
3. 103 000 000
4. Crouch Petroleum Co
5. Griffis #1
6. South Bloomington
7. Greer, OK
8. 2.9 million cubic feet
9. March 27, 1980
10. Arkansas Louisiana Gas Co
1. 80-22720/01123
2. 35-093-21348-0000
3. 103 000 000
4. Pacific Oil & Gas Co
5. Painton No 1
6. Southeast Orin
7. Major, OK
8. 70.0 million cubic feet
9. March 27, 1980
10. Michigan-Wisconsin Pipe Line Co
1. 80-22721/00935
2. 35-139-00000-0000
3. 108 000 000
4. Amoco Production Co
5. Burrows Gas unit D #1
6. Guymon-Husoton Chase
7. Texas, OK
8. 21.0 million cubic feet
9. March 27, 1980
10. Phillips Petroleum Co
1. 80-22722/03176
2. 35-011-20939-0000
3. 103 000 000
4. Northern Natural Gas Co
5. Groendyke No 1-1
6. Undesignated
7. Blaine, OK
8. 400.0 million cubic feet
9. March 27, 1980
10. Public Service Co of Oklahoma, Oklahoma Gas & Electric Co
1. 80-22723/03170
2. 35-073-21939-0000
3. 103 000 000
4. Petro-Lewis Corp
5. Myers 19-2
6. Sooner Trend
7. Kingfisher, OK
8. 1.3 million cubic feet
9. March 27, 1980
10. Partnership Properties Co
1. 80-22724/01774
2. 35-047-21453-0000
3. 103 000 000
4. Viersen & Cochran
5. Eggers-Barbee unit #3
6. Sooner Trend
7. Garfield, OK
8. 59.0 million cubic feet
9. March 27, 1980
10. Champlin Petroleum Co
1. 80-22725/01845
2. 35-047-21687-0000
3. 103 000 000
4. Viersen & Cochran
5. Young-Leavengood #2
6. Sooner Trend
7. Garfield, OK
8. 67.0 million cubic feet
9. March 27, 1980
10. Union Texas Petroleum
1. 80-22726/01844
2. 35-047-21655-0000
3. 103 000 000
4. Viersen & Cochran
5. Leavengood-Porter #3
6. Sooner Trend
7. Garfield, OK
8. 67.0 million cubic feet
9. March 27, 1980
10. Union Texas Petroleum
1. 80-22727/02391
2. 35-017-20817-0000
3. 108 000 000
4. L G Williams Oil Co Inc
5. Hoffman #5-1
6. SW El Reno
7. Canadian, OK
8. 5.0 million cubic feet
9. March 27, 1980
10. Michigan Wisconsin Pipeline Co

1. 80-22728/03297
 2. 35-003-00000-0000
 3. 108 000 000
 4. Blaik Oil Co
 5. Coleman #1
 6. Sooner Trend
 7. Alfalfa, OK
 8. 2.0 million cubic feet
 9. March 27, 1980
 10. Aminoil USA Inc
-
1. 80-22729/03257
 2. 35-071-21164-0000
 3. 103 000 000
 4. Chase Exploration Corp
 5. Schulz #1-3
 6. Unnamed
 7. Kay, OK
 8. 10.5 million cubic feet
 9. March 27, 1980
 10. Cities Service Gas Co Chase Gathering Systems Inc
-
1. 80-22730/03282
 2. 35-017-20975-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. Grimes-Porter No 1-18
 6. N W Yukon
 7. Canadian, OK
 8. 217.0 million cubic feet
 9. March 27, 1980
 10. Phillips Petroleum Co
-
1. 80-22731/01852
 2. 35-047-21423-0000
 3. 103 000 000
 4. Viersen & Cochran
 5. Leavengood-Porter #2
 6. Sooner Trend
 7. Garfield, OK
 8. 67.0 million cubic feet
 9. March 27, 1980
 10. Union Texas Petroleum
-
1. 80-22732/03258
 2. 35-071-21334-0000
 3. 103 000 000
 4. Chase Exploration Corp
 5. Brown #4-26
 6. Unnamed
 7. Kay, OK
 8. 21.2 million cubic feet
 9. March 27, 1980
 10. Cities Service Gas Co, Chase Gathering Systems Inc
-
1. 80-22733/03259
 2. 35-071-21115-0000
 3. 103 000 000
 4. Chase Exploration Corp
 5. Decker #1-28
 6. Unnamed
 7. Kay, OK
 8. 26.3 million cubic feet
 9. March 27, 1980
 10. Cities Service Gas Co, Chase Gathering Systems Inc
-
1. 80-22734/03260
 2. 35-071-20971-0000
 3. 103 000 000
 4. Chase Exploration Corp
 5. Brown #1-26
 6. Unnamed
 7. Kay, OK
 8. .0 million cubic feet
 9. March 27, 1980
 10. Cities Service Gas Co, Chase Gathering Systems Inc
-
1. 80-22735/03261
 2. 35-071-21027-0000
 3. 103 000 000
 4. Chase Exploration Corp
 5. Crawford #1-26
 6. Unnamed
 7. Kay, OK
 8. 40.0 million cubic feet
 9. March 27, 1980
 10. Cities Service Gas Co, Chase Gathering Systems Inc
-
1. 80-22736/03232
 2. 35-017-21029-0000
 3. 103 000 000
 4. Phillips Petroleum Co
 5. Canon A #1
 6. Yukon
 7. Canadian, OK
 8. 106.0 million cubic feet
 9. March 27, 1980
 10. Panhandle Eastern Pipeline Co
-
1. 80-22737/03242
 2. 35-111-21263-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. Ricks #8-19
 6. Beggs South
 7. Okmulgee, OK
 8. 7.0 million cubic feet
 9. March 27, 1980
 10. Phillips Petroleum Co
-
1. 80-22738/03244
 2. 35-111-21349-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. Ricks #16-19
 6. Beggs South
 7. Okmulgee, OK
 8. 7.0 million cubic feet
 9. March 27, 1980
 10. Phillips Petroleum Co
-
1. 80-22739/03245
 2. 35-111-21234-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. Pine #3-19
 6. Beggs South
 7. Okmulgee, OK
 8. 70.0 million cubic feet
 9. March 27, 1980
 10. Phillips Petroleum Co
-
1. 80-22740/03346
 2. 35-073-22104-0000
 3. 103 000 000
 4. Vulcan Energy Corp
 5. Brueggen #1
 6. Southwest Reeding
 7. Kingfisher, OK
 8. 30.0 million cubic feet
 9. March 27, 1980
 10. Conoco Inc
-
1. 80-22741/03333
 2. 35-087-00000-0000
 3. 108 000 000
 4. Adobe Oil & Gas Corp
 5. Gooch OTC No 087-08054
 6. Lindsey (Hart)
 7. McClain, OK
 8. 15.8 million cubic feet
 9. March 27, 1980
 10. Phillips Petroleum Co
-
1. 80-22742/03331
 2. 35-025-20135-0000
 3. 108 000 000
 4. Adobe Oil & Gas Corp
-
5. Mathis Davis A No 1-13
 6. Keyes Area (Wabaunsee)
 7. Cimarron, OK
 8. 10.8 million cubic feet
 9. March 27, 1980
 10. Panhandle Eastern Pipeline Co
-
1. 80-22743/03241
 2. 35-111-21193-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. Pine #1-19
 6. Beggs South
 7. Okmulgee, OK
 8. 70.0 million cubic feet
 9. March 27, 1980
 10. Phillips Petroleum Co
-
1. 80-22744/00372
 2. 35-093-21401-0000
 3. 103 000 000
 4. Ladd Petroleum Corp
 5. Johnson Unit #2
 6. Major, OK
 7. Major, OK
 8. .2 million cubic feet
 9. March 27, 1980
 10. Oklahoma Natural Gas Gathering Co
-
1. 80-22745/00374
 2. 35-047-21384-0000
 3. 103 000 000
 4. Ladd Petroleum Corp
 5. Behring B #2
 6. Enid N E
 7. Garfield, OK
 8. 25.8 million cubic feet
 9. March 27, 1980
 10. Cities Service Gas Co
-
1. 80-22746/00586
 2. 35-047-00000-0000
 3. 108 000 000
 4. Ladd Petroleum Corp
 5. Lemke
 6. N E Enid
 7. Garfield, OK
 8. 3.8 million cubic feet
 9. March 27, 1980
 10. Cities Service Gas Co
-
1. 80-22747/00567
 2. 35-093-00000-0000
 3. 108 000 000
 4. Ladd Petroleum Corp
 5. Sherman
 6. Ringwood
 7. Major, OK
 8. 10.0 million cubic feet
 9. March 27, 1980
 10. Oklahoma Natural Gas Gathering Corp
-
1. 80-22748/03302
 2. 35-007-00000-0000
 3. 108 000 000
 4. Maguire Oil Co
 5. Mayo #3
 6. Mocane
 7. Beaver, OK
 8. 17.0 million cubic feet
 9. March 27, 1980
 10. Colorado Interstate Gas Co
-
1. 80-22749/03163
 2. 35-017-20974-0000
 3. 103 000 000
 4. Sabine Production Co
 5. Novak A #1
 6. Richland
 7. Canadian, OK
 8. 182.0 million cubic feet
 9. March 27, 1980

Warren

10. Phillips Petroleum Co, Delhi Gas Pipeline Corp
1. 80-22750/03160
2. 35-081-20694-0000
3. 103 000 000
4. Oklahoma Petroleum Management Corp
5. Marrs #1
6. North Agra
7. Lincoln, OK
8. 148.9 million cubic feet
9. March 27, 1980
10. Colorado Gas Compression Inc
1. 80-22751/02497
2. 35-059-00000-0000
3. 108 000 000
4. Thomas N Berry & Co
5. Osmon Unit
6. North Lovedale
7. Harper, OK
8. .0 million cubic feet
9. March 27, 1980
10. Cities Service Gas Co
1. 80-22752/03177
2. 35-011-20871-0000
3. 103 000 000
4. Northern Natural Gas Co
5. Schantz No #1-3
6. Undesignated
7. Blaine, OK
8. 73.0 million cubic feet
9. March 27, 1980
10. Public Service Co of Oklahoma Oklahoma Gas & Electric Co
1. 80-22753/03178
2. 35-011-20847-0000
3. 103 000 000
4. Northern Natural Gas Co
5. Groendyke #1-35
6. Undesignated
7. Blaine, OK
8. 600.0 million cubic feet
9. March 27, 1980
10. Public Service Co of Oklahoma Oklahoma Gas & Electric Co
1. 80-22754/03180
2. 35-093-21515-0000
3. 103 000 000
4. Arco Oil and Gas Co
5. Manzelman-Adair #1
6. N E Cedardale Field
7. Major, OK
8. 91.0 million cubic feet
9. March 27, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80-22755/03181
2. 35-007-21564-0000
3. 103 000 000
4. Jackson Exploration Inc
5. Sprague #1
6. Mocane
7. Beaver, OK
8. 292.0 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22756/03183
2. 35-063-20863-0000
3. 103 000 000
4. Cheyenne Petroleum Co
5. Mittie #1-13
6. North Fuhrman
7. Hughes, OK
8. 54.8 million cubic feet
9. March 27, 1980
10. Transok Pipe Line Co
1. 80-22757/02214
2. 35-103-00000-0000
3. 108 000 000
4. J T Hoke Jr
5. Swartz No #1
6. Unknown
7. Noble, OK
8. 7.4 million cubic feet
9. March 27, 1980
10. Cities Service Gas Co
1. 80-22758/03185
2. 35-017-21047-0000
3. 103 000 000
4. Universal Resources Corp
5. Krshka #1-8
6. Richland Northwest
7. Canadian, OK
8. 76.0 million cubic feet
9. March 27, 1980
- 10.
1. 80-22759/03167
2. 35-011-20948-0000
3. 103 000 000
4. Mustang Production Co
5. Cowan #1-2
6. S E Fay
7. Blaine, OK
8. 600.0 million cubic feet
9. March 27, 1980
10. Oklahoma Gas & Electric Co
1. 80-22760/03219
2. 35-073-00000-0000
3. 103 000 000
4. Belama Oil Co
5. John Ed Purcell No 1
6. Sooner Trend
7. Kingfisher, OK
8. 66.0 million cubic feet
9. March 27, 1980
10. Phillips Petroleum Co
1. 80-22761/03220
2. 35-043-20951-0000
3. 103 000 000
4. Publishers Petroleum
5. Strongwolf Rt #1
6. N W Canton
7. Dewey County, OK
8. 91.3 million cubic feet
9. March 27, 1980
10. Phillips Petroleum Co
1. 80-22762/03206
2. 35-105-21431-0000
3. 103 000 000
4. Three Sands Oil Inc
5. Mary Porter #1
6. Northeast Nowata
7. Nowata, OK
8. 51.0 million cubic feet
9. March 27, 1980
10. Nowata Gathering Ltd
1. 80-22763/03208
2. 35-105-21658-0000
3. 103 000 000
4. Three Sands Oil Inc
5. Mary Porter #4
6. Northeast Nowata
7. Nowata, OK
8. 7.0 million cubic feet
9. March 27, 1980
10. Nowata Gathering Ltd
1. 80-22764/03209
2. 35-105-21462-0000
3. 103 000 000
4. Three Sands Oil Inc
5. Mary Porter #3
6. Northeast Nowata
7. Nowata, OK
8. 11.0 million cubic feet
9. March 27, 1980
10. Nowata Gathering Ltd
1. 80-22765/03210
2. 35-105-21869-0000
3. 103 000 000
4. Three Sands Oil Inc
5. Mary Porter #8
6. Northeast Nowata
7. Nowata, OK
8. 51.0 million cubic feet
9. March 27, 1980
10. Nowata Gathering Ltd
1. 80-22766/03153
2. 35-015-20761-0000
3. 103 000 000
4. Cotton Petroleum Corp
5. Shook A No 1
6. East Binger
7. Caddo, OK
8. 730.0 million cubic feet
9. March 27, 1980
10. Transok Pipe Line Co Michigan Wisconsin Pipe Line Co
1. 80-22767/03162
2. 35-140-20056-0000
3. 103 000 000
4. Enserch Exploration Inc
5. Clifford Bragg No 1
6. Burns Flat
7. Washita, OK
8. 211.0 million cubic feet
9. March 27, 1980
10. Natural Gas Pipeline Co of America
1. 80-22768/03165
2. 35-011-20919-0000
3. 103 000 000
4. Mustang Production Co
5. Cowan #1-8
6. S E Fay
7. Blaine, OK
8. 300.0 million cubic feet
9. March 27, 1980
10. Oklahoma Gas & Electric Co
1. 80-22769/01785
2. 35-047-21747-0000
3. 103 000 000
4. Viersen & Cochran
5. Hedges-Ruth #4
6. Sooner Trend
7. Garfield, OK
8. 96.0 million cubic feet
9. March 27, 1980
10. Union Texas Petroleum
1. 80-22770/01789
2. 35-047-21456-0000
3. 103 000 000
4. Viersen & Cochran
5. Hedges-Ruth #3
6. Sooner Trend
7. Garfield, OK
8. 96.0 million cubic feet
9. March 27, 1980
10. Union Texas Petroleum
1. 80-22771/01790
2. 35-047-21455-0000
3. 103 000 000
4. Viersen & Cochran
5. Hedges-Ruth #2
6. Sooner Trend
7. Garfield, OK
8. 103.0 million cubic feet
9. March 27, 1980
10. Union Texas Petroleum

1. 80-22772/01850
 2. 35-047-21642-0000
 3. 103 000 000
 4. Viersen & Cochran
 5. Morgan Unit #3
 6. Sooner Trend
 7. Garfield, OK
 8. 97.0 million cubic feet
 9. March 27, 1980
 10. Champlin Petroleum Co
 1. 80-22773/01848
 2. 35-047-21665-0000
 3. 103 000 000
 4. Viersen & Cochran
 5. Foster Unit #3
 6. Sooner Trend
 7. Garfield, OK
 8. 162.0 million cubic feet
 9. March 27, 1980
 10. Champlin Petroleum Co
 1. 80-22774/01847
 2. 35-047-21772-0000
 3. 103 000 000
 4. Viersen & Cochran
 5. Foster Unit #4
 6. Sooner Trend
 7. Garfield, OK
 8. 162.0 million cubic feet
 9. March 27, 1980
 10. Champlin Petroleum Co
 1. 80-22775/01851
 2. 35-047-21344-0000
 3. 103 000 000
 4. Viersen & Cochran
 5. Foster Unit #2
 6. Sooner Trend
 7. Garfield, OK
 8. 162.0 million cubic feet
 9. March 27, 1980
 10. Champlin Petroleum Co
 1. 80-22776/01778
 2. 35-047-21585-0000
 3. 103 000 000
 4. Viersen & Cochran
 5. Allen-Smith Unit #3
 6. Sooner Trend
 7. Garfield, OK
 8. 161.0 million cubic feet
 9. March 27, 1980
 10. Union Texas Petroleum
 1. 80-22777/01791
 2. 35-047-21322-0000
 3. 103 000 000
 4. Viersen & Cochran
 5. Allen-Smith Unit #2
 6. Sooner Trend
 7. Garfield, OK
 8. 161.0 million cubic feet
 9. March 27, 1980
 10. Union Texas Petroleum
 1. 80-22778/01781
 2. 35-047-21686-0000
 3. 103 000 000
 4. Viersen & Cochran
 5. Allen-Smith Unit #4
 6. Sooner Trend
 7. Garfield, OK
 8. 161.0 million cubic feet
 9. March 27, 1980
 10. Union Texas Petroleum
 1. 80-22779/03234
 2. 35-003-20118-0000
 3. 108 000 000
 4. Blaik Oil Co
 5. Ross #1

6. Sooner Trend
 7. Alfalfa, OK
 8. 6.0 million cubic feet
 9. March 27, 1980
 10. Aminoil USA Inc
 1. 80-22780/03229
 2. 35-081-20655-0000
 3. 103 000 000
 4. Jones & Pellow Oil Co
 5. Harriett #22-2
 6. Olivet
 7. Lincoln, OK
 8. 110.0 million cubic feet
 9. March 27, 1980
 10. Service Drilling Co
 1. 80-22781/03230
 2. 35-081-20706-0000
 3. 103 000 000
 4. Jones & Pellow Oil Co
 5. Turner #22-1
 6. Olivet
 7. Lincoln, OK
 8. 3.0 million cubic feet
 9. March 27, 1980
 10. Service Drilling Co
 1. 80-22782/03247
 2. 35-111-21484-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. Ricks Pine #26-19
 6. Beggs South
 7. Okmulgee, OK
 8. 30.0 million cubic feet
 9. March 27, 1980
 10. Phillips Petroleum Co
 1. 80-22783/03243
 2. 35-111-21483-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. Pine #25-19
 6. Beggs South
 7. Okmulgee, OK
 8. 1.0 million cubic feet
 9. March 27, 1980
 10. Phillips Petroleum Co
 1. 80-22784/03188
 2. 35-017-20848-0000
 3. 103 000 000
 4. Universal Resources Corp
 5. Parker #1-19-C
 6. Richland NW
 7. Canadian, OK
 8. 92.0 million cubic feet
 9. March 27, 1980
 10. Phillips Petroleum Co
 1. 80-22785/03264
 2. 35-011-20959-0000
 3. 103 000 000
 4. Hoover & Bracken Energies Inc
 5. School Land #1-16
 6. SW Canton
 7. Blaine County, OK
 8. 36.5 million cubic feet
 9. March 27, 1980
 10. Delhi Gas Pipeline Corp
 1. 80-22786/02087
 2. 35-081-00000-0000
 3. 108 000 000
 4. B C Cockrum
 5. Cockrum #1
 6. Stroud
 7. Lincoln, OK
 8. 9.0 million cubic feet
 9. March 27, 1980
 10. Charles Nesbitt Trustee

1. 80-22787/03295
 2. 35-003-00000-0000
 3. 108 000 000
 4. Blaik Oil Co
 5. Chapman #1
 6. Sooner Trend
 7. Alfalfa, OK
 8. 5.0 million cubic feet
 9. March 27, 1980
 10. Union Texas Petroleum
 1. 80-22788/03187
 2. 35-017-20853-0000
 3. 103 000 000
 4. Universal Resources Corp
 5. Wright #1-30-C
 6. Richland, NW
 7. Canadian, OK
 8. 94.0 million cubic feet
 9. March 27, 1980
 10. Phillips Petroleum Co
 1. 80-22789/03186
 2. 35-017-20856-0000
 3. 103 000 000
 4. Universal Resources Corp
 5. Wilds #1-31
 6. Richland SE
 7. Canadian, OK
 8. 50.0 million cubic feet
 9. March 27, 1980
 10. Phillips Petroleum Co
 1. 80-22790/03228
 2. 35-139-20729-0000
 3. 108 000 000
 4. Jones & Pellow Oil Co
 5. Strait #1
 6. Guymon Hugoton
 7. Texas OK
 8. 13.0 million cubic feet
 9. March 27, 1980
 10. Panhandle Eastern Pipeline Co
 1. 80-22791/03263
 2. 35-017-26093-0000
 3. 103 000 000
 4. Gulf Oil Corp
 5. H E Canon #2-15
 6. Yukon
 7. Canadian OK
 8. 286.0 million cubic feet
 9. March 27, 1980
 10. Phillips Petroleum Co
 1. 80-22792/03268
 2. 35-073-22119-0000
 3. 103 000 000
 4. Dick Bogert Inc
 5. Vera #1
 6. Reeding
 7. Kingfisher OK
 8. 6.0 million cubic feet
 9. March 27, 1980
 10. Conoco Inc
 1. 80-22793/03296
 2. 35-003-00000-0000
 3. 108 000 000
 4. Blaik Oil Co
 5. McNabb #1
 6. Sooner Trend
 7. Alfalfa OK
 8. 2.0 million cubic feet
 9. March 27, 1980
 10. Aminoil USA Inc
 1. 80-22794/03269
 2. 35-083-20624-0000
 3. 103 000 000
 4. Cimarron Valley Exploration Inc
 5. Alma #1

6. W Langston Field
7. Logan OK
8. 24.0 million cubic feet
9. March 27, 1980
10. Service Drilling Co
1. 80-22795/03273
2. 35-017-21103-0000
3. 103 000 000
4. Beard Oil Co
5. Margaret #1
6. Union City (Northeast)
7. Canadian OK
8. 50.0 million cubic feet
9. March 27, 1980
10. Phillips Petroleum Co
1. 80-22796/03344
2. 35-011-20922-0000
3. 103 000 000
4. Cotton Petroleum Corp
5. Jasper No 1
6. N W Geary
7. Blaine OK
8. 800.0 million cubic feet
9. March 27, 1980
10. Michigan Wisconsin Pipe Line Co, Oklahoma Gas & Electric Co
1. 80-22797/03345
2. 35-011-20931-0000
3. 103 000 000
4. Cotton Petroleum Corp
5. West No 1
6. Squaw Creek
7. Blaine OK
8. 320.0 million cubic feet
9. March 27, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80-22798/03334
2. 35-011-20921-0000
3. 103 000 000
4. Mustang Production Co
5. Cowan #1-11
6. Squaw Creek
7. Blaine OK
8. 700.0 million cubic feet
9. March 27, 1980
10. Oklahoma Gas & Electric Co
1. 80-22799/03231
2. 35-017-21149-0000
3. 103 000 000
4. Phillips Petroleum Co
5. Black A #1
6. Yukon
7. Canadian OK
8. 187.0 million cubic feet
9. March 27, 1980
10. Panhandle Eastern Pipeline Co
1. 80-22800/03225
2. 35-059-20733-0000
3. 103 000 000
4. Arco Oil & Gas Company
5. Guthridge No 2
6. Laverne
7. Harper OK
8. 146.0 million cubic feet
9. March 27, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80-22801/01948
2. 35-153-0000-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Stake-K No 1
6. N Quinlan
7. Woodward OK
8. 15.6 million cubic feet
9. March 27, 1980
10. Cities Service Gas Co
1. 80-22802/03213
2. 35-105-21661-0000
3. 103 000 000
4. Three Sands Oil Inc
5. Kolter-Porter #6
6. Northeast Nowata
7. Nowata OK
8. 51.0 million cubic feet
9. March 27, 1980
10. Nowata Gathering LTD
1. 80-22803/03240
2. 35-111-21486-0000
3. 103 000 000
4. Gulf Oil Corp
5. Ricks Pine #23-19
6. Beggs South
7. Okmulgee OK
8. 20.0 million cubic feet
9. March 27, 1980
10. Phillips Petroleum Co
1. 80-22959/01779
2. 35-47-21555-0000
3. 103 000 000
4. Viersen & Cochran
5. Rus-Milacek #4
6. Sooner Trend
7. Garfield OK
8. 159.0 million cubic feet
9. March 28, 1980
10. Union Texas Petroleum
1. 80-22960/01782
2. 35-047-21500-0000
3. 103 000 000
4. Viersen & Cochran
5. Rumsey-Bartlett #3
6. Sooner Trend
7. Garfield OK
8. 123.0 million cubic feet
9. March 28, 1980
10. Union Texas Petroleum
1. 80-22961/01784
2. 35-047-21713-0000
3. 103 000 000
4. Viersen & Cochran
5. Matousek Unit #4
6. Sooner Trend
7. Garfield OK
8. 200.0 million cubic feet
9. March 28, 1980
10. Union Texas Petroleum
1. 80-22962/01788
2. 35-047-21588-0000
3. 103 000 000
4. Viersen & Cochran
5. Kreie Unit #3
6. Sooner Trend
7. Garfield OK
8. 100.0 million cubic feet
9. March 28, 1980
10. Union Texas Petroleum
1. 80-22963/01780
2. 35-047-21685-0000
3. 103 000 000
4. Viersen & Cochran
5. Kreie Unit #4
6. Sooner Trend
7. Garfield OK
8. 100.0 million cubic feet
9. March 28, 1980
10. Union Texas Petroleum
1. 80-22964/05722
2. 35-019-21824-0000
3. 108 000 000
4. Alan Bossa
5. Dolman #1
6. Fox-Graham
7. Carter OK
8. 3.5 million cubic feet
9. March 28, 1980
10. Mobil Oil Corp
1. 80-22965/01772
2. 35-047-21431-0000
3. 103 000 000
4. Viersen & Cochran
5. Eggers-Bodes Unit #3
6. Sooner Trend
7. Garfield OK
8. 133.0 million cubic feet
9. March 28, 1980
10. Champlin Petroleum Co
1. 80-22966/01775
2. 35-047-21540-0000
3. 103 000 000
4. Viersen & Cochran
5. Eggers-Bodes Unit #4
6. Sooner Trend
7. Garfield OK
8. 133.0 million cubic feet
9. March 28, 1980
10. Champlin Petroleum Co
1. 80-22967/03218
2. 35-119-00000-0000
3. 103 000 000
4. The Wil-Mc Oil Corp
5. Schneider No 1
6. Payne OK
7. 36.0 million cubic feet
8. March 28, 1980
9. Cities Service Co
1. 80-22968/03215
2. 35-017-21086-0000
3. 103 000 000
4. Sabine Corp
5. Spencer No 1-2
6. Richland
7. Canadian OK
8. 170.0 million cubic feet
9. March 28, 1980
10. Phillips Petroleum Co
1. 80-22969/03216
2. 35-011-20874-0000
3. 103 000 000
4. Northern Natural Gas Co
5. Myra Wright No 1-3
6. Undesignated
7. Blaine OK
8. 200.0 million cubic feet
9. March 28, 1980
10. Public Service Company of Oklahoma
1. 80-22970/01152
2. 35-093-30229-0000
3. 108 000 000
4. Amoco Production Co
5. Stallman Gas Unit #1
6. Togo East
7. Major OK
8. 16.0 million cubic feet
9. March 28, 1980
10. Michigan Wisconsin Pipeline
1. 80-22971/03168
2. 35-073-22084-0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. King B #1
6. S E Atoka
7. Kingfisher OK
8. 256.0 million cubic feet

9. March 28, 1980
- 10.
1. 80-22972/01777
2. 35-047-21415-0000
3. 103 000 000
4. Viersen & Cochran
5. Kuzel Unit #3
6. Sooner Trend
7. Garfield OK
8. 159.0 million cubic feet
9. March 28, 1980
10. Union Texas Petroleum
1. 80-22973/01787
2. 35-047-21504-0000
3. 103 000 000
4. Viersen & Cochran
5. Kuzel Unit #4
6. Sooner Trend
7. Garfield OK
8. 145.0 million cubic feet
9. March 28, 1980
10. Union Texas Petroleum
1. 80-22974/01786
2. 35-047-21554-0000
3. 103 000 000
4. Viersen & Cochran
5. Rus-Milacek #3
6. Sooner Trend
7. Garfield OK
8. 159.0 million cubic feet
9. March 28, 1980
10. Union Texas Petroleum
1. 80-22975/02444
2. 35-093-21393-0000
3. 103 000 000
4. Ashland Exploration Inc.
5. Kirkendall 1-19
6. Cedardale NE
7. Major, OK
8. 111.5 million cubic feet
9. March 28, 1980
10. Phillips Petroleum Company
1. 80-22976/05901
2. 35-009-20299-0000
3. 107 000 000
4. Natomas North America Inc.
5. Mills #2-19
6. S. W. Mayfield
7. Beckham, OK
8. 4.3 million cubic feet
9. March 28, 1980
10. Ong Western Inc.
1. 80-22977/02422
2. 35-095-20184-0000
3. 103 000 000
4. Union Oil Company of Calif.
5. Thompson 206 #4
6. Cumberland
7. Marshall, OK
8. 30.0 million cubic feet
9. March 28, 1980
10. Lone Star Gas Co.
1. 80-22978/06122
2. 35-129-20441-0000
3. 107 000 000
4. El Paso Natural Gas Co.
5. Peterson #2X
6. Reydon West Morrow Upper
7. Roger Mills, OK
8. 30.0 million cubic feet
9. March 28, 1980
10. El Paso Natural Gas Co.
1. 80-22979/02436
2. 35-039-20178-0000
3. 103 000 000
4. Michigan Wisconsin Pipe Line Co.
5. Buckmaster #1
6. Weatherford
7. Custer, OK
8. 183.0 million cubic feet
9. March 28, 1980
10. Public Service Company of Oklahoma
1. 80-22980/02434
2. 35-049-21167-0000
3. 103 000 000
4. O. F. Warren
5. Couch No. 1
- 6.
7. Garvin, OK
8. 450.0 million cubic feet
9. March 28, 1980
10. Lone Star Gas Company
1. 80-22981/02442
2. 35-047-21404-0000
3. 103 000 000
4. Texas American Oil Corp.
5. J. J. Lang No. 1
6. Sooner Trend
7. Garfield, OK
8. 48.0 million cubic feet
9. March 28, 1980
10. Cleary Petroleum Corp.
1. 80-22982/02553
2. 35-007-21567-0000
3. 103 000 000
4. Union Oil Company of Calif.
5. Frantz #2-A
6. S. E. Boyd
7. Beaver, OK
8. .0 million cubic feet
9. March 28, 1980
10. Natural Gas Pipeline Co. of America
1. 80-22983/03196
2. 35-139-21174-0000
3. 103 000 000
4. Southland Royalty Co.
5. Ukens #1-20
6. North Hooker
7. Texas, OK
8. 100.0 million cubic feet
9. March 28, 1980
10. Northern Natural Gas Co.
1. 80-22984/03131
2. 35-139-21155-0000
3. 103 000 000
4. Southland Royalty Co.
5. McCoy #1-8
6. Caple
7. Texas, OK
8. 110.0 million cubic feet
9. March 28, 1980
10. Northern Natural Gas Co.
1. 80-22985/03154
2. 35-039-00000-0000
3. 103 000 000
4. Natomas North America Inc.
5. Oscar Mosburg #1
6. Wildcat
7. Custer, OK
8. 280.0 million cubic feet
9. March 28, 1980
10. Public Service Company of Oklahoma
1. 80-22986/02554
2. 35-139-21044-0000
3. 103 000 000
4. Cities Service Co.
5. Stonebraker A #85
6. West Stonebraker
7. Texas, OK
8. 51.3 million cubic feet
9. March 28, 1980
10. Northern Natural Gas Co.
1. 80-22987/00202
2. 35-007-21482-0000
3. 103 000 000
4. Samson Resources Co.
5. John Smith No. 2
6. Mocane-Laverne
7. Beaver, OK
8. 250.0 million cubic feet
9. March 28, 1980
10. Michigan Wisconsin Pipe Line
1. 80-22988/03201
2. 35-061-20275-0000
3. 103 000 000
4. Sam Resources Co.
5. Rex Unit No. 1
6. Northeast Lequire
7. Haskell, OK
8. 650.0 million cubic feet
9. March 28, 1980
10. Arkansas Louisiana Gas Co.
1. 80-22989/06221
2. 35-129-20400-0000
3. 107 000 000
4. L. G. Williams Oil Co.
5. Baker 25-1
6. S. E. Rankin
7. Roger Mills County, OK
8. .0 million cubic feet
9. March 28, 1980
10. Michigan Wisconsin Pipe Line Co.
1. 80-22990/03203
2. 35-081-20704-0000
3. 102 000 000
4. Sullivan and Co.
5. State-Orr No. 1
6. W. Carney
7. Lincoln, OK
8. .0 million cubic feet
9. March 28, 1980
- 10.
1. 80-22991/03202
2. 35-081-00000-0000
3. 102 000 000
4. Sullivan and Co.
5. N. I. Reeves No. 1
6. W. Carney
7. Lincoln, OK
8. .0 million cubic feet
9. March 28, 1980
- 10.
1. 80-22992/03278
2. 35-011-20901-0000
3. 103 000 000
4. Cotton Petroleum Corp.
5. Ralph No. 1
6. Squaw Creek
7. Blaine, OK
8. 1000.0 million cubic feet
9. March 28, 1980
10. Michigan Wisconsin Pipe Line Co.
1. 80-22993/03284
2. 35-093-21374-0000
3. 103 000 000
4. Southland Royalty Co.
5. Simmons 1-14
6. Orion
7. Major, OK
8. 180.0 million cubic feet
9. March 28, 1980
10. Michigan Wisconsin Pipeline Co.
1. 80-22994/03285

2. 35-093-21599-0000
3. 103 000 000
4. F. C. D. Ltd.
5. Wood #1
6. North Ames
7. Major, OK
8. 100.0 million cubic feet
9. March 28, 1980
10. Pioneer Gas Products Co.
1. 80-22995/03254
2. 35-111-21348-0000
3. 103 000 000
4. Gulf Oil Corp.
5. Ricks #15-19
6. Beggs South
7. Okmulgee, OK
8. 7.0 million cubic feet
9. March 28, 1980
10. Phillips Petroleum Co.
1. 80-22996/00234
2. 35-003-00103-0000
3. 108 000 000
4. Energy Reserves Group Inc.
5. McCune #1
6. Helena
7. Alfalfa, OK
8. 17.0 million cubic feet
9. March 28, 1980
10. Union Texas Petroleum
1. 80-22997/03288
2. 35-093-21559-0000
3. 103 000 000
4. Southland Royalty Co.
5. Baustert 1-21
6. W. Cheyenne Valley
7. Major, OK
8. 90.0 million cubic feet
9. March 28, 1980
10. Panhandle Eastern Pipeline
1. 80-22998/03287
2. 35-093-21506-0000
3. 103 000 000
4. Southland Royalty Co.
5. Rumsey 1-30
6. W. Cheyenne Valley
7. Major, OK
8. 180.0 million cubic feet
9. March 28, 1980
10. Panhandle Eastern Pipeline
1. 80-22999/03286
2. 35-093-21511-0000
3. 103 000 000
4. Southland Royalty Co.
5. Rother Warner 1-27
6. W. Cheyenne Valley
7. Major, OK
8. 80.0 million cubic feet
9. March 28, 1980
10. Panhandle Eastern Pipeline
1. 80-23000/03280
2. 35-093-21476-0000
3. 103 000 000
4. Southland Royalty Co.
5. Augusta Rother 1-28
6. W. Cheyenne Valley
7. Major, OK
8. .0 million cubic feet
9. March 28, 1980
10. Panhandle Eastern Pipeline
1. 80-23001/03289
2. 35-093-21559-0000
3. 103 000 000
4. Southland Royalty Co.
5. Baustert 1-21
6. West Cheyenne Valley
7. Major, OK
8. 90.0 million cubic feet
9. March 28, 1980
10. Panhandle Eastern Pipeline
1. 80-23002/03300
2. 35-117-20510-0000
3. 103 000 000
4. Arco Oil and Gas Co.
5. Louisa M. Jones #50
6. Cleveland
7. Pawnee, OK
8. 1.0 million cubic feet
9. March 28, 1980
10. Perpetual Pipeline of America
1. 80-23003/03291
2. 35-093-21528-0000
3. 103 000 000
4. Southland Royalty Co.
5. Pittman 1-24
6. W. Cheyenne Valley
7. Major, OK
8. 100.0 million cubic feet
9. March 28, 1980
10. Panhandle Eastern Pipeline
1. 80-23004/02854
2. 35-137-00000-0000
3. 103 000 000
4. Century Oil & Gas Company
5. Callaway #2-OTC#137-54476
6. Nellie
7. Stephens, OK
8. 860.0 million cubic feet
9. March 28, 1980
10. Lone Star Gas Company
1. 80-23005/03251
2. 35-111-21522-0000
3. 103 000 000
4. Gulf Oil Corp
5. Ricks #17-19
6. Geggs South
7. Okmulgee OK
8. 3.0 million cubic feet
9. March 28, 1980
10. Phillips Petroleum Co
1. 80-23006/03250
2. 35-111-21482-0000
3. 103 000 000
4. Gulf Oil Corp
5. Pine #24-19
6. Beggs South
7. Okmulgee OK
8. 30.0 million cubic feet
9. March 28, 1980
10. Phillips Petroleum Co
1. 80-23007/03252
2. 35-111-21321-0000
3. 103 000 000
4. Gulf Oil Corp
5. Pine #13-19
6. Beggs South
7. Okmulgee OK
8. 11.0 million cubic feet
9. March 28, 1980
10. Phillips Petroleum Co
1. 80-23008/03253
2. 35-111-21352-0000
3. 103 000 000
4. Gulf Oil Corp
5. Stamps #18-19
6. Beggs South
7. Okmulgee OK
8. 5.0 million cubic feet
9. March 28, 1980
10. Phillips Petroleum Co
1. 80-23009/03304
2. 35-081-20797-0000
3. 103 000 000
4. Oklahoma Petroleum Management Corp
5. Marrs #2
6. North Agra
7. Lincoln OK
8. 36.5 million cubic feet
9. March 28, 1980
10. Colorado Gas Compression Inc
1. 80-23010/03305
2. 35-081-20784-0000
3. 103 000 000
4. Oklahoma Petroleum Management Corp
5. Smith #1
6. North Agra
7. Lincoln OK
8. 91.3 million cubic feet
9. March 28, 1980
10. Colorado Gas Compression Inc
1. 80-23011/01972
2. 35-059-20655-0000
3. 103 000 000
4. Resources investment corp
5. Kinney #1 (morrow)
6. Laverne
7. Harper OK
8. 284.0 million cubic feet
9. March 28, 1980
10. Colorado Interstate Gas Co
1. 80-23012/03204
2. 35-081-20765-0000
3. 102 000 000
4. Sullivan and Co
5. Jerry Wolfe No 1
6. W. Carney
7. Lincoln OK
8. 275.0 million cubic feet
9. March 28, 1980
- 10.
1. 80-23013/03277
2. 35-015-20777-0000
3. 103 000 000
4. J Walter Duncan Jr
5. H D Britton #1
6. Binger
7. Caddo Ok
8. 4.5 million cubic feet
9. March 28, 1980
10. Phillips Petroleum Corp
1. 80-23014/03283
2. 35-083-21124-0000
3. 103 000 000
4. F C D LTC
5. Wilma Fuxa 1-15
6. S E Marshall
7. Logan OK
8. 100.0 million cubic feet
9. March 28, 1980
10. Eason Oil Co
1. 80-23015/03275
2. 35-081-20744-0000
3. 103 000 000
4. Arco Oil and Gas Co
5. John Ball #1
6. Agra West
7. Lincoln OK
8. 36.5 million cubic feet
9. March 28, 1980
- 10.
1. 80-23016/02204
2. 35-093-21260-0000
3. 103 000 000
4. Ricks Exploration Co
5. Corwin #27-A
6. Okeene NW

7. Major OK
8. 20.0 million cubic feet
9. March 28, 1980
10. Delhi Pipeline Co
1. 80-23017/03292
2. 35-093-21533-0000
3. 103 000 000
4. Southland Royalty Co
5. Pittman 1-12
6. West Cheyenne Valley
7. Major OK
8. 300.0 million cubic feet
9. March 28, 1980
10. Panhandle Eastern Pipeline
1. 80-23018/03291
2. 35-093-21533-0000
3. 103 000 000
4. Southland Royalty Co
5. Pittman 1-12
6. West Cheyenne Valley
7. Major OK
8. 100.0 million cubic feet
9. March 28, 1980
10. Panhandle Eastern Pipeline
1. 80-23019/02095
2. 35-037-00000-0000
3. 103 000 000
4. World Exploration Corp
5. Anthus #1
6. Pickett Prairie
7. Cheek OK
8. .0 million cubic feet
9. March 28, 1980
10. Phillips Petroleum
1. 80-23020/00732
2. 35-025-20308-0000
3. 103 000 000
4. Argonaut Energy Corp
5. Rowan Trust #1
6. Guymon Hugoton
7. Cimarron OK
8. 13.3 million cubic feet
9. March 28, 1980
10. Panhandle Eastern Pipeline
1. 80-23021/03342
2. 35-017-21182-0000
3. 103 000 000
4. NFC Petroleum Corp
5. Burris #1-13
6. Richland
7. Canadian OK
8. 200.0 million cubic feet
9. March 28, 1980
10. Contentintal Oil Co
1. 80-23022/01295
2. 35-007-00000-0000
3. 108 000 000
4. Grace Petroleum Corp
5. Riggs 1-2
6. Mocane-Laverne
7. Beaver OK
8. 24.0 million cubic feet
9. March 28, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80-23023/03276
2. 35-081-20639-0000
3. 103 000 000
4. Arco Oil and Gas Company Division
5. G W Scott #4
6. Agra West
7. Lincoln OK
8. 36.5 million cubic feet
9. March 28, 1980
10.
1. 80-23024/03274

2. 35-073-22155-0000
3. 103 000 000
4. Bonray Energy Corp
5. Taylor #1
6. Sooner Trend-Mississippi
7. Kingfisher OK
8. 100.0 million cubic feet
9. March 28, 1980
10. Cities Service Gas Co
1. 80-23025/03303
2. 35-007-35131-0000
3. 108 000 000
4. Foree Co
5. Foree Co No 1 Stanley Gas Unit
6. Gate Lake Field
7. Beaver County OK
8. 14.6 million cubic feet
9. March 28, 1980
10. Northern Natural Gas Co
1. 80-23026/03301
2. 35-007-00000-0000
3. 108 000 000
4. Maguire Oil Co
5. Kamas B #1-13
6. Mocane
7. Beaver OK
8. 8.0 million cubic feet
9. March 28, 1980
10. Colorado Interstate Gas Co
1. 80-23027/03335
2. 35-003-00000-0000
3. 103 000 000
4. The Wil-MC Oil Corp
5. Kiebler #1
6. Unnamed
7. Alfalfa OK
8. 86.4 million cubic feet
9. March 28, 1980
10. Pioneer Gas Products Co
1. 80-23028/02005
2. 35-139-21041-0000
3. 103 000 000
4. Southland Royalty Co
5. Dorsey #1-5
6. North Hooker
7. Texas OK
8. 175.0 million cubic feet
9. March 28, 1980
10. Northern Natural Gas Co
1. 80-23029/02746
2. 35-083-20942-0000
3. 103 000 000
4. Wilbur R White
5. Yenser OTC #083-24327
6. Crescent
7. Logan County OK
8. 146.0 million cubic feet
9. March 28, 1980
10. Continental Oil Co
1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-22878
2. 47-045-00456-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. R H Adkins 808138
6.

7. Logan WV
8. 2.4 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22879
2. 47-045-00468-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. L G Jackson 808336
6.
7. Logan WV
8. 14.8 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22880
2. 47-045-00520-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Charles Dingess 808414
6.
7. Logan WV
8. 6.8 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22881
2. 47-045-00587-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Herbert Adkins 808551
6.
7. Logan WV
8. 2.1 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22882
2. 47-045-00367-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Tco Min Tract No 1 808151
6.
7. Logan WV
8. .9 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22883
2. 47-045-00383-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Earl Wysong 808226
6.
7. Logan WV
8. .0 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22884
2. 47-045-00394-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Tco Min Tr No 1 808260
6.
7. Logan WV
8. 2.5 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22885
2. 47-045-00403-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Tco Fee Tr No 4 808079
6.
7. Logan WV
8. 13.1 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22886

2. 47-045-00407-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. R H Adkins 808038
6.
7. Logan, WV
8. 9.7 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22887
2. 47-081-00082-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Coal River Min No 6 (805812)
6.
7. Raleigh WV
8. 9.5 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22888
2. 47-081-00088-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Coal River Min No 7 (806149)
6.
7. Raleigh WV
8. 10.9 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22889
2. 47-087-02784-0000
3. 108 000 000
4. Pennzoil Co
5. P C & N Snodgrass #2
6. Smithfield
7. Roane WV
8. 3.0 million cubic feet
9. March 27, 1980
10. Consolidated Gas Supply Corp
1. 80-22890
2. 47-087-03132-F000
3. 108 000 000
4. Pennzoil Co
5. A B Caldwell #3
6. Geary
7. Roane WV
8. 4.2 million cubic feet
9. March 27, 1980
10. Consolidated Gas Supply Corp
1. 80-22891
2. 47-087-03102-F000
3. 108 000 000
4. Pennzoil Co
5. S M Sergeant #7
6. Smithfield
7. Roane WV
8. 1.5 million cubic feet
9. March 27, 1980
10. Consolidated Gas Supply Corp
1. 80-22892
2. 47-087-03109-F000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #19
6. Smithfield
7. Roane WV
8. 6.0 million cubic feet
9. March 27, 1980
10. Consolidated Gas Supply Corp
1. 80-22893
2. 47-087-03128-F000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #26
6. Smithfield

7. Roane WV
8. 6.0 million cubic feet
9. March 27, 1980
10. Consolidated Gas Supply Corp
1. 80-22894
2. 47-087-03004-F000
3. 108 000 000
4. Pennzoil Co
5. S M Sergeant #6
6. Smithfield
7. Roane WV
8. 1.5 million cubic feet
9. March 27, 1980
10. Consolidated Gas Supply Corp
1. 80-22895
2. 47-087-03068-F000
3. 108 000 000
4. Pennzoil Co
5. P C & N Snodgrass #1
6. Smithfield
7. Roane WV
8. 3.0 million cubic feet
9. March 27, 1980
10. Consolidated Gas Supply Corp
1. 80-22896
2. 47-087-03174-F000
3. 108 000 000
4. Pennzoil Company
5. S M Sergeant #10
6. Smithfield
7. Roane WV
8. 1.5 million cubic feet
9. March 27, 1980
10. Consolidated Gas Supply Corp
1. 80-22897
2. 47-035-00139-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. J A Shinn 805021
6.
7. Jackson WV
8. 2.3 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22898
2. 47-035-01200-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Genevieve Starcher 809571
6.
7. Jackson WV
8. 6.4 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22899
2. 47-035-01213-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. M O Rogers 809541
6.
7. Jackson WV
8. 14.0 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22900
2. 47-039-01434-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. G C Robertson No 1 (806299)
6.
7. Kanawha WV
8. 6.3 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22901

2. 47-039-02084-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. M Bailey 820328
6.
7. Kanawha WV
8. .8 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22902
2. 47-087-03097-F000
3. 108 000 000
4. Pennzoil Company
5. W M Looney #25
6. Smithfield
7. Roane WV
8. 6.0 million cubic feet
9. March 27, 1980
10. Columbia Gas Supply Corp
1. 80-22903
2. 47-039-02160-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. W Duncan 809747
6.
7. Kanawha WV
8. 4.8 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22904
2. 47-039-02215-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Higganbotham No 1 809836
6.
7. Kanawha WV
8. 2.9 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22905
2. 47-039-02232-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Sarah A Null 809486
6.
7. Kanawha WV
8. 16.2 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22906
2. 47-039-02235-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. John Ray No 1 809702
6.
7. Kanawha WV
8. 4.0 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22907
2. 47-045-00446-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Grover Lowe 808358
6.
7. Logan, WV
8. .0 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22908
2. 47-081-00082-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Coal River Min No 6 (805812)
6.

7. Raleigh, WV
8. 9.5 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22909
2. 47-045-00408-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. TCO Min Tract No 1 808320
- 6.
7. Logan, WV
8. .0 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22910
2. 47-081-00075-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Coal River Min No 4 (805793)
- 6.
7. Raleigh, WV
8. 6.5 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22911
2. 47-081-00058-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Coal River Min No 3 (805727)
- 6.
7. Raleigh, WV
8. 5.4 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22912
2. 47-081-00072-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Coal River Min No 5 (805794)
- 6.
7. Raleigh, WV
8. 5.9 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22913
2. 47-045-00680-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. TCO Min Tr No 1 808562
- 6.
7. Logan, WV
8. 8.7 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22914
2. 47-045-00588-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. TCO Min Tract No 1 808193
- 6.
7. Logan, WV
8. 8.8 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22915
2. 47-045-00625-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. TCO Min Tr No 1 808036
- 6.
7. Logan, WV
8. 11.5 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22916
2. 47-081-00057-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Coal River Min No 2 (805726)
- 6.
7. Raleigh, WV
8. 7.6 million cubic feet
9. March 27, 1980
10. Columbia Gas Transmission Corp
1. 80-22917
2. 47-039-02330-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Lowe 809732
- 6.
7. Kanawha, WV
8. 5.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22918
2. 47-039-02323-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. C T Tolley Jr 809506
- 6.
7. Kanawha, WV
8. 15.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22920
2. 47-035-00094-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. J F Miller 804890
- 6.
7. Jackson, WV
8. 9.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22921
2. 47-039-02448-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. S A Griffith 809538
- 6.
7. Kanawha, WV
8. 4.4 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22922
2. 47-039-02434-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Arnold Spencer 809532
- 6.
7. Kanawha, WV
8. 18.5 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22923
2. 47-039-02357-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Eulah Miller 809531
- 6.
7. Kanawha, WV
8. 5.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22924
2. 47-039-02347-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Kanawha Valley Bank 809840
- 6.
7. Kanawha, WV
8. 20.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22925
2. 47-039-02296-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Edna J Knight 809499
- 6.
7. Kanawha, WV
8. 6.7 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22926
2. 47-039-02291-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. E A Beane 809505
- 6.
7. Kanawha, WV
8. 1.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22927
2. 47-039-02289-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. John Ray No 2 809703
- 6.
7. Kanawha, WV
8. 4.8 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22928
2. 47-039-02276-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Cecil Bogges 809491
- 6.
7. Kanawha, WV
8. 12.5 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22929
2. 47-099-00575-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. TCO Min Tr No 1 806358
- 6.
7. Wayne, WV
8. 5.3 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22930
2. 47-099-00574-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. TCO Min Tr No 1 806359
- 6.
7. Wayne, WV
8. 2.1 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22931
2. 47-081-00153-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. J A Burrett No 2 806536
- 6.
7. Raleigh, WV
8. 4.6 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22932

2. 47-017-01685-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Samuel Tate No 1
6. Big Injun
7. Doddridge, WV
8. 3.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22933
2. 47-017-01691-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. E Seckman No 1
6. Big Injun
7. Doddridge, WV
8. 5.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22934
2. 47-017-01695-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. E Davis No 1
6. Big Injun
7. Doddridge, WV
8. 5.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22935
2. 47-017-01696-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Elizabeth Davis No 2
6. Big Injun
7. Doddridge, WV
8. 5.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22936
2. 47-017-01697-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Elizabeth Davis No 3
6. Big Injun
7. Doddridge, WV
8. 5.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22937
2. 47-017-01698-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Elizabeth Davis No 4
6. Big Injun
7. Doddridge, WV
8. 15.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22938
2. 47-017-01704-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Abe Talkington #1
6. Big Injun
7. Doddridge WV
8. 3.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22939
2. 47-017-01705-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Elizabeth Davis #5
6. Big Injun
7. Doddridge WV
8. 5.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22940
2. 47-017-01706-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Elizabeth Davis #6
6. Big Injun
7. Doddridge WV
8. 15.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22941
2. 47-017-01707-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. A H Pope #1
6. Big Injun
7. Doddridge WV
8. 11.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22942
2. 47-017-01708-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. A H Pope #2
6. Big Injun
7. Doddridge WV
8. 11.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22943
2. 47-017-01709-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Abe Talkington #2
6. Big Injun
7. Doddridge WV
8. 3.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22944
2. 47-039-02248-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Dewey H Harrison 809485
- 6.
7. Kanawha WV
8. 3.6 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22945
2. 47-039-02263-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Tinney No 2 809787
- 6.
7. Kanawha WV
8. 3.3 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22946
2. 47-015-00913-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Elk River Coal & Lumber #1
6. Elk River Coal & Lumber
7. Clay WV
8. 9.0 million cubic feet
9. March 28, 1980
10. Equitable Gas Co
1. 80-22947
2. 47-015-00917-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Elk River Coal & Lumber #4
6. Elk River Coal & Lumber
7. Clay WV
8. 8.0 million cubic feet
9. March 28, 1980
10. Equitable Gas Co
1. 80-22948
2. 47-015-00914-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Elk River Coal & Lumber #2
6. Elk River Coal & Lumber
7. Clay WV
8. 9.0 million cubic feet
9. March 28, 1980
10. Equitable Gas Co
1. 80-22949
2. 47-017-01654-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Hugh Freeman #1
6. Big Injun
7. Doddridge WV
8. 5.5 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22950
2. 47-017-01655-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Fred Freeman #1
6. Big Injun
7. Doddridge WV
8. 4.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22951
2. 47-017-01657-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. J L Haddox #1
6. Big Injun
7. Doddridge WV
8. 2.5 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22952
2. 47-017-01658-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. J L Haddox #2
6. Big Injun
7. Doddridge WV
8. 2.5 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22953
2. 47-017-01659-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. J R Boggess #1
6. Big Injun
7. Doddridge WV
8. 7.5 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22954
2. 47-017-01660-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. D Vincent #1
6. Big Injun

7. Doddridge WV
8. 11.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22955
2. 47-017-01661-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Clinton Doak #1
6. Big Injun
7. Doddridge WV
8. 10.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22956
2. 47-017-01683-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. M Dye #1
6. Big Injun
7. Doddridge WV
8. 3.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22957
2. 47-017-01684-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Nicholas Prunty #1
6. Big Injun
7. Doddridge WV
8. 5.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-22958
2. 47-015-00916-0000
3. 108 000 000
4. Ramco Oil & Gas Corp
5. Elk River Coal & Lumber #3
6. Elk River Coal & Lumber
7. Clay WV
8. 2.5 million cubic feet
9. March 28, 1980
10. Equitable Gas Co
1. 80-22919
2. 47-081-00137-0000
3. 108
4. Columbia Gas Transmission Corp
5. Coal Riv Min No 8 (806435)
- 6.
7. Raleigh WV
8. 4.2 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp

U.S. Geological Survey, Metairie, La.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-22831/G9-939
2. 17-704-40434-0000-0
3. 102 000 000
4. Tenneco Oil Co
5. East Cameron 280 C-5
6. East Cameron
7. 280
8. 1650.0 million cubic feet
9. March 26, 1980

10. Tennessee Gas Pipeline Co
1. 80-22832/G9-940
2. 17-704-40429-0000-0
3. 102 000 000
4. Tenneco Oil Co
5. East Cameron 280 C-4
6. East Cameron
7. 280
8. 1247.0 million cubic feet
9. March 26, 1980
10. Tennessee Gas Pipeline Co
1. 80-22833/G9-941
2. 17-704-40433-0000-0
3. 102 000 000
4. Tenneco Oil Co
5. East Cameron 280 C-3
6. East Cameron
7. 280
8. 1829.0 million cubic feet
9. March 26, 1980
10. Tennessee Gas Pipeline Co
1. 80-22834/G9-943
2. 17-704-40376-0000-0
3. 102 000 000
4. Tenneco Oil Co
5. East Cameron 280 C-1
6. East Cameron
7. 280
8. 1800.0 million cubic feet
9. March 26, 1980
10. Tennessee Gas Pipeline Co
1. 80-22838/G9-1035
2. 17-713-40058-00D1-0
3. 102 000 000
4. Ocean Production Co
5. OCS G-072 No 33A
6. South Pelto 20 Field
7. 12
8. 730.0 million cubic feet
9. March 26, 1980
10. Transcontinental Gas Pl Corp
1. 80-22839/G9-1068
2. 17-715-40305-0000-0
3. 102 000 000
4. C & K Marine Production Co
5. South Timbalier 185 No B-7
6. South Timbalier
7. 185
8. 1800.0 million cubic feet
9. March 26, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80-22840/G9-1069
2. 17-715-40282-0000-0
3. 102 000 000
4. C & K Marine Production Co
5. South Timbalier 185 No B-6
6. South Timbalier
7. 185
8. 500.0 million cubic feet
9. March 26, 1980
10. Transcontinental Gas Pipe Line Corp
- Consolidated Gas Supply Corp
1. 80-22841/G9-1070
2. 17-715-40265-0000-0
3. 102 000 000
4. C & K Marine Production Co
5. South Timbalier 185 No B-2
6. South Timbalier
7. 185
8. 2112.0 million cubic feet
9. March 26, 1980
10. Transcontinental Gas Pipe Line Corp
- Consolidated Gas Supply Corp
1. 80-22842/G9-1071

2. 17-715-40270-0000-0
3. 102 000 000
4. C & K Marine Production Co
5. South Timbalier 185 No B-3
6. South Timbalier
7. 185
8. 1735.0 million cubic feet
9. March 26, 1980
10. Transcontinental Gas Pipe Line Corp
- Consolidated Gas Supply Corp
1. 80-22843/G9-1072
2. 17-715-40276-0000-0
3. 102 000 000
4. C & K Marine Production Co
5. South Timbalier 185 No B-5
6. South Timbalier
7. 185
8. 2882.0 million cubic feet
9. March 26, 1980
10. Transcontinental Gas Pipe Line Corp
- Consolidated Gas Supply Corp
1. 80-22844/G9-1073
2. 17-715-40180-0000-0
3. 102 000 000
4. C & K Marine Production Co
5. South Timbalier 185 No. B-4
6. South Timbalier
7. 185
8. 2500.0 million cubic feet
9. March 26, 1980
10. Transcontinental Gas Pipe Line Corp
- Consolidated Gas Supply Corp
1. 80-22845/G9-1074
2. 17-715-40273-0000-0
3. 102 000 000
4. C & K Marine Production Co
5. South Timbalier 185 No. B-1-D
6. South Timbalier
7. 185
8. 2700.0 million cubic feet
9. March 26, 1980
10. Transcontinental Gas Pipe Line Corp
- Consolidated Gas Supply Corp
1. 80-22846/G9-1075
2. 17-715-40180-0000-0
3. 102 000 000
4. C & K Marine Production Co
5. South Timbalier 185 No B-1
6. South Timbalier
7. 185
8. 2245.0 million cubic feet
9. March 26, 1980
10. Transcontinental Gas Pipe Line Corp
- Consolidated Gas Supply Corp
1. 80-23030/G9-942
2. 17-704-40421-0000-0
3. 102 000 000
4. Tenneco Oil Company
5. East Cameron 280 C-2
6. East Cameron
7. 280
8. 6570.0 million cubic feet
9. March 26, 1980
10. Tennessee Gas Pipeline Co
1. 80-23031/G9-1015
2. 17-700-40198-0000-0
3. 102 000 000
4. General American Oil Co of Texas
5. OCS-G-2818 No 1
6. West Cameron
7. 22
8. 1800.0 million cubic feet
9. March 28, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80-23032/G9-1053

2. 17-721-40124-0000-0
3. 102 000 000
4. Shell Oil Co
5. OCS 0353 No 281
6. South Pass
7. 27
8. 15.0 million cubic feet
9. March 28, 1980
10. Tennessee Gas Pipeline Co Air Products & Chemical Inc
1. 80-23033/G9-1098
2. 17-817-40071-00S1-0
3. 102 000 000
4. Exxon Corp
5. OCS-G 2969 No A-1
6. Mississippi Canyon
7. 312
8. 182.0 million cubic feet
9. March 28, 1980
10. Southern Natural Gas Co
1. 80-23034/G9-1103
2. 17-700-40368-00S1-0
3. 102 000 000
4. Chevron USA Inc
5. OCS-G-1971 No 19
6. West Cameron
7. 181
8. 4468.0 million cubic feet
9. March 28, 1980
10. Natural Gas Pipeline Co of America
1. 80-23035/G9-1104
2. 17-700-40375-00S1-0
3. 102 000 000
4. Chevron USA Inc
5. OCS-G-1971 #10
6. West Cameron
7. 181
8. 4468.0 million cubic feet
9. March 28, 1980
10. Natural Gas Pipeline Co of America
1. 80-23036/G9-1105
2. 17-702-40464-00S1-0
3. 102 000 000
4. Exxon Corp
5. OCS-G 2560 No A-1
6. West Cameron
7. 630
8. 900.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
- Northern Natural Gas Co Natural Gas Pipeline Co Trunkline Gas Co
1. 80-23037/G9-1118
2. 17-712-40201-00S1-0
3. 102 000 000
4. CNG Producing Co
5. A-2SI
6. Ship Shoal
7. 320
8. 584.0 million cubic feet
9. March 28, 1980
10. Tennessee Gas Pipeline Co
1. 80-23038/G9-1119
2. 17-712-40214-00S1-0
3. 102 000 000
4. CNG Producing Co
5. A-3SI
6. Ship Shoal
7. 320
8. 584.0 million cubic feet
9. March 28, 1980
10. Tennessee Gas Pipeline Co
1. 80-23039/G9-1121
2. 17-712-40222-01S1-0
3. 102 000 000
4. CNG Producing Co
5. A-9SI
6. Ship Shoal
7. 320
8. 584.0 million cubic feet
9. March 28, 1980
10. Tennessee Gas Pipeline Co
1. 80-23046/G9-1156
2. 17-708-40176-0000-0
3. 102 000 000
4. Shell Oil Co
5. A-24
6. South Marsh Island
7. 130
8. 42.0 million cubic feet
9. March 28, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-23047/G9-1163
2. 17-708-40274-0000-0
3. 102 000 000
4. Shell Oil Co
5. C-28
6. South Marsh Island
7. 130
8. .0 million cubic feet
9. March 28, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-23048/G9-1168
2. 17-708-40228-0000-0
3. 102 000 000
4. Shell Oil Co
5. C-21
6. South Marsh Island
7. 130
8. .0 million cubic feet
9. March 28, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-23049/G9-1174
2. 17-708-40355-0000-0
3. 102 000 000
4. Shell Oil Co
5. B-8 (Formerly A-8)
6. South Marsh Island
7. 137
8. 470.0 million cubic feet
9. March 28, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-23050/G9-1176
2. 17-711-40352-00D3-0
3. 102 000 000
4. Mobil Oil Explor & Prod Southeast I
5. Ship Shoal Block 72 #9B
6. Ship Shoal
7. 72
8. 33.0 million cubic feet
9. March 28, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-23051/G9-1179
2. 17-711-40429-00D2-0
3. 102 000 000
4. Mobil Oil Explor & Prod Southeast I
5. Ship Shoal 72 No 18-B
6. Ship Shoal
7. 72
8. 488.0 million cubic feet
9. March 28, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-23052/G9-1180
2. 17-711-40368-00S2-0
3. 102 000 000
4. Mobil Oil Explor & Prod Southeast I
5. Ship Shoal 72 #13B
6. Ship Shoal
7. 72
8. 183.0 million cubic feet
9. March 28, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-23053/G9-1181
2. 17-711-40429-00D1-0
3. 102 000 000
4. Mobil Oil Explor & Prod Southeast I
5. Ship Shoal 72 No 18-A
6. Ship Shoal
7. 72
8. 9.0 million cubic feet
9. March 28, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-23054/G9-1190
2. 17-701-40070-0000-0
3. 102 000 000
4. Transocean Oil Inc
5. A-2-D
6. West Cameron Area W A
7. 351
8. 1278.0 million cubic feet
9. March 28, 1980
10. Southern Natural Gas Co United Gas Pipeline Co
1. 80-23055/G9-1191
2. 17-701-40070-0000-0
3. 102 000 000
4. Transocean Oil Inc
5. A-2
6. West Cameron Area W A
7. 331
8. .0 million cubic feet
9. March 28, 1980
10. Southern Natural Gas Co United Gas Pipeline Co
1. 80-23056/G9-1200
2. 17-722-40044-00S1-0
3. 102 000 000
4. Exxon Corp
5. OCS-G 1619 No A-4
6. South Pass
7. 93
8. 380.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp
1. 80-23057/G9-1203
2. 17-708-40200-0000-0
3. 102 000 000
4. Shell Oil Co
5. C-18
6. South Marsh Island
7. 130
8. .0 million cubic feet
9. March 28, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-23058/G9-1204
2. 17-708-40322-0000-0
3. 102 000 000
4. Shell Oil Co
5. C-31
6. South Marsh Island
7. 130
8. .0 million cubic feet
9. March 28, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-23059/G9-1213
2. 17-706-40359-00S1-0
3. 102 000 000
4. Gulf Oil Corp
5. OCS-G 3552 #A-2
6. Vermillion
7. 260
8. 6205.0 million cubic feet
9. March 28, 1980
10. Texas Eastern Transmission Corp
1. 80-23060/G9-1215

2. 17-713-40068-00S1-0
3. 102 000 000
4. Ocean Production Co
5. OCS-G 072 No 34A
6. South Pelto
7. 12
8. .0 million cubic feet
9. March 28, 1980
10. Transcontinental Gas Pipeline Corp.
1. 80-23061/G9-1219
2. 17-715-40195-00S1-0
3. 102 000 000
4. Conoco Inc
5. OCS-G 3176 ST 146 #A-1
6. South Timbalier
7. 146
8. 730.0 million cubic feet
9. March 28, 1980
10. United Gas Pipeline Co
1. 80-23062/G9-1224
2. 17-709-40378-00S1-0
3. 102 000 000
4. Exxon Corp
5. OCS-G 3331 NO A-4
6. Eugene Island
7. 251
8. 7000.0 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp.
1. 80-22835/G9-953
2. 42-711-40417-0000-0
3. 102 000 000
4. Tenneco Oil Co
5. High Island A-281 A-4
6. High Island
7. A-281
8. 8200.0 million cubic feet
9. March 26, 1980
10. Tennessee Gas Pipeline Co
1. 80-22836/G9-955
2. 42-711-40236-0000-0
3. 102 000 000
4. Tenneco Oil Co
5. High Island A-281 A-1
6. High Island
7. A-281
8. 8200.0 million cubic feet
9. March 26, 1980
10. Tennessee Gas Pipeline Co
1. 80-22837/G9-1006
2. 42-711-40423-00S1-0
3. 102 000 000
4. Exxon Corp
5. OCS-G 3313 No A-2
6. High Island
7. A-280
8. 4000.00 million cubic feet
9. March 26, 1980
10. Columbia Gas Trans Corp.
1. 80-23040/G9-1135
2. 42-709-40224-0000-0
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2697 #A-2
6. High Island Area-South Addition
7. A-536
8. 1500.0 million cubic feet
9. March 28, 1980
10. Northern Natural Gas Co
1. 80-23041/G9-1136
2. 42-709-40224-0000-0
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2697 #A-2D
6. High Island Area-South Addition

7. A-536
8. 1500.0 million cubic feet
9. March 28, 1980
10. Northern Natural Gas Co
1. 80-23042/G9-1138
2. 42-709-40183-0000-0
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2696 #A-3D
6. High Island Area-South Addition
7. A-531
8. 600.00 million cubic feet
9. March 28, 1980
10. Northern Natural Gas Co.
1. 80-23043/G9-1140
2. 42-709-40274-0000-0
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2697 #A-8
6. High Island Area-South Addition
7. A-536
8. 225.0 million cubic feet
9. March 28, 1980
10. Northern Natural Gas Co
1. 80-23044/G9-1143
2. 42-709-40275-0100-0
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2696 #A-12
6. High Island Area-South Addition
7. A-531
8. 3000.0 million cubic feet
9. March 28, 1980
10. Northern Natural Gas Co
1. 80-23045/G9-1147
2. 42-709-40292-0000-0
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2697 #C-2
6. High Island Area-South Addition
7. A-536
8. 225.0 million cubic feet
9. March 28, 1980
10. Northern Natural Gas Co

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-22847/NM-3296-79
2. 30-039-05882-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #18
6. Gavilan
7. Rio Arriba NM
8. .0 million cubic feet
9. March 27, 1980
10. Northwest Pipeline Corp
1. 80-22848/NM-3297-79
2. 30-045-00000-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Aztec #5
6. Blanco
7. San Juan NM

8. 15.0 million cubic feet
9. March 27, 1980
10. Northwest Pipeline Corp
1. 80-22849/NM-3298-79
2. 30-039-05956-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #10
6. Gavilan
7. Rio Arriba NM
8. 8.0 million cubic feet
9. March 27, 1980
10. Northwest Pipeline Corp
1. 80-22850/NM-3302-79
2. 30-039-21135-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Jicarilla 93 #4
6. Gavilan
7. Rio Arriba NM
8. 9.0 million cubic feet
9. March 27, 1980
10. Northwest Pipeline Corp
1. 80-22851/NM-3303-79
2. 30-039-06249-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #21
6. Gavilan
7. Rio Arriba NM
8. 3.0 million cubic feet
9. March 27, 1980
10. Northwest Pipeline Corp
1. 80-22852/NM-3304-79
2. 30-045-11103-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. SJ 32-7 Unit NP #15
6. Blanco
7. San Juan NM
8. 10.0 million cubic feet
9. March 27, 1980
10. Northwest Pipeline Corp
1. 80-22853/NM-3305-79
2. 30-039-05849-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #24
6. Gavilan
7. Rio Arriba NM
8. 11.0 million cubic feet
9. March 27, 1980
10. Northwest Pipeline Corp
1. 80-22854/NM-3306-79
2. 30-039-05323-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #3
6. Blanco South
7. Rio Arriba NM
8. 1.0 million cubic feet
9. March 27, 1980
10. Northwest Pipeline Corp
1. 80-22855/NM-3363-79
2. 30-039-06296-0000-0
3. 108 000 000
4. Amoco Production Co
5. Jicarilla Contract 155 #8
6. South Blanco-Pictured Cliffs
7. Rio Arriba NM
8. 7.0 million cubic feet
9. March 27, 1980
10. Northwest Pipeline Corp
1. 80-22856/NM-3399-79

2. 30-039-21595-0000-0
3. 108 000 000
4. Amoco Production Co
5. Valencia Canyon Unit #27
6. Choza Mesa-Pictured Cliffs
7. Rio Arriba NM
8. 7.0 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22857/NM-3426-79
2. 30-045-08555-0000-0
3. 108 000 000
4. Amoco Production Company
5. Elliott A L D #3
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 13.0 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22858/NM-3436-79
2. 30-039-20210-0000-0
3. 108 000 000
4. Amoco Production Co
5. Jicarilla Contract 146 #18
6. South Blanco-Pictured Cliffs
7. Rio Arriba NM
8. 12.0 million cubic feet
9. March 27, 1980
10. Northwest Pipeline Corp
1. 80-22859/NM-3451-79
2. 30-039-06299-0000-0
3. 108 000 000
4. Amoco Production Co
5. Jicarilla Contract 155 #11
6. South Blanco-Pictured Cliffs
7. Rio Arriba NM
8. 4.0 million cubic feet
9. March 27, 1980
10. Northwest Pipeline Corp
1. 80-22860/NM-3518-79
2. 30-045-21138-0000-0
3. 108 000 000
4. Amoco Production Co
5. Elliott Gas Com U #1
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 12.0 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22861/NM-3811-79
2. 30-045-00000-0000-0
3. 108 000 000
4. Ladd Petroleum Corp
5. Butte #1
6. Basin Dakota
7. San Juan NM
8. 15.0 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22862/NM-3812-79
2. 30-045-00000-0000-0
3. 108 000 000
4. Ladd Petroleum Corp
5. Aztec #1-X
6. Basin Dakota
7. San Juan NM
8. 4.0 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22863/NM-4075-79
2. 30-039-20276-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Canyon Largo Unit #152
6. Otero Chacra Gas
7. Rio Arriba NM
8. 25.2 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22864/NM-4098-79
2. 30-039-21374-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Kimbell Com #1 PC & CH
6. Blanco Otero-Chacra
7. Rio Arriba NM
8. 28.0 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22865/NM-4139-79
2. 30-045-11628-0000-0
3. 108 000 000
4. Amoco Production Co
5. Gallegos Canyon Unit #230
6. Basin-Dakota
7. San Juan NM
8. 17.0 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22866/NM-4140-79
2. 30-045-09155-0000-0
3. 108 000 000
4. Amoco Production Co
5. E E Elliott B #9
6. Basin-Dakota
7. San Juan NM
8. 13.0 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22867/NM-4141-79
2. 30-039-06079-0000-0
3. 108 000 000
4. Amoco Production Co
5. Jicarilla Contract 146 #10
6. Basin-Dakota
7. Rio Arriba NM
8. 15.0 million cubic feet
9. March 27, 1980
10. Northwest Pipeline Corp
1. 80-22868/NM-4142-79
2. 30-045-09193-0000-0
3. 108 000 000
4. Amoco Production Co
5. E E Elliott B #7
6. Basin-Dakota
7. San Juan NM
8. 18.0 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22869/NM-4155-79
2. 30-045-20677-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Murphy #2
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 20.0 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22870/NM-4264-79
2. 30-045-06596-0000-0
3. 108 000 000
4. Northwest Production Corp
5. San Juan 27-8 C #5
6. Blanco South-Pictured Cliffs
7. San Juan NM
8. 23.0 million cubic feet
9. March 27, 1980
10. Northwest Pipeline Corp
1. 80-22871/NM-4282-79
2. 30-039-06802-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Rincon Unit #26
6. Blanco South-Pictured Cliffs
7. Rio Arriba NM
8. 20.0 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22872/NM-4284-79
2. 30-045-20864-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Daum #8
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 21.0 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22873/NM-4285-79
2. 30-045-20727-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Lackey #4
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 20.0 million cubic feet
9. March 27, 1980
10. El Paso Natural Gas Co
1. 80-22874/NM-4360-79A
2. 30-025-26206-0000-0
3. 103 000 000
4. Conoco Inc
5. Warren Unit #64
6. NMFU-Blaine Oil & Gas
7. Lea NM
8. 22.0 million cubic feet
9. March 27, 1980
10. Warren Petroleum Co
1. 80-22875/NM-4360-79B
2. 30-025-26206-0000-0
3. 103 000 000
4. Conoco Inc
5. Warren Unit #64
6. NMFU-Warren Tubb Oil
7. Lea NM
8. 1.5 million cubic feet
9. March 27, 1980
10. Getty Oil Co
1. 80-22876/NM 4361-79
2. 30-025-26312-0000-0
3. 103 000 000
4. Conoco Inc
5. Warren unit-Blaine No 75
6. NMFU-Blaine Oil and Gas
7. Lea NM
8. 70.0 million cubic feet
9. March 27, 1980
10. Getty Oil Co
1. 80-22877/NM 4362-79
2. 30-025-26313-0000-0
3. 103 000 000
4. Conoco Inc
5. Warren unit-Blaine No 76
6. NMFU-Blaine Oil and Gas
7. Lea NM
8. 32.0 million cubic feet
9. March 27, 1980
10. Getty Oil Co

U.S. Geological Survey, Casper, Wyo.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator

5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-22805/M1161-9
2. 25-009-21112-0000-0
3. 103 000 000
4. Amoco Production Co
5. EBM Unit 2 #305
6. Elk Basin
7. Carbon, MT
8. 6.6 million cubic feet
9. March 27, 1980
10. Montana-Dakota Utilities Co

1. 80-22811/M1183-9
2. 25-101-05844-0000-0
3. 108 000 000
4. Hardrock Oil Co
5. Horner #3 (68-084474)
6. Cut Bank
7. Toole, MT
8. 12.8 million cubic feet
9. March 27, 1980
10. Treasure State Pipe Line Co

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-22813/ND 1202-9
2. 33-053-00889-0000-0
3. 103 000 000
4. Texaco Inc
5. Silurian Unit 4 No 1
6. Charleson field
7. McKenzie, ND
8. 76.0 million cubic feet
9. March 27, 1980
10. Montana-Dakota Utilities Co

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field, or OCS area name
7. County, State or block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-22812/VC 1201-9
2. 43-047-30572-0000-0
3. 103 000 000
4. Conoco Inc
5. Conoco Ankerpont 2 No 6
6. Ouray
7. Uintah, UT
8. 410.0 million cubic feet
9. March 27, 1980
10. Mountain Fuel Supply Co

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC

10. Purchaser(s)
1. 80-22806/W1162-9
2. 49-037-21405-0000-0
3. 103 000 000
4. Texas Oil & Gas Corp.
5. Wamsutter Federal 1-30
6. Wamsutter
7. Sweetwater, WY
8. 73.0 million cubic feet
9. March 27, 1980
10. Colorado Interstate Gas Co.

1. 80-22807/W1163-9
2. 49-013-20854-0000-0
3. 103 000 000
4. Shell Oil Co.
5. Pavillion Unit No. 21-11
6. Pavillion
7. Fremont, WY
8. 730.0 million cubic feet
9. March 27, 1980
10. Montana-Dakota Utilities Co.

1. 80-22808/W1164-9
2. 49-013-20855-0000-0
3. 103 000 000
4. Shell Oil Co.
5. Pavillion Unit No. 12-13
6. Pavillion
7. Fremont, WY
8. 365.0 million cubic feet
9. March 27, 1980
10. Montana-Dakota Utilities Co.

1. 80-22809/W1172-9
2. 49-007-20306-0000-0
3. 102 000 000
4. Michigan Wisconsin Pipe Line Co.
5. Creston #1-26
6. Creston Nose
7. Carbon County, WY
8. 365.0 million cubic feet
9. March 27, 1980
10. Michigan Wisconsin Pipe Line Co., Northwest Pipeline Co.

1. 80-22810/W1176-9
2. 35-037-21408-0000
3. 103 000 000
4. Cotton Petroleum Corp.
5. Madrid-Federal #10-1
6. Wild Rose
7. Sweetwater, WY
8. 180.0 million cubic feet
9. March 27, 1980
10. Colorado Interstate Gas Co., United Gas Pipeline Co.

U.S. Geological Survey, Tulsa, Okla.

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-22804/KN-61-0
2. 15-023-20098-0000-0
3. 102 000 000
4. Kansas-Nebraska Natural Gas Co. Inc.
5. Federal 1-9-440
- 6.
7. Cheyenne, KS
8. 183.0 million cubic feet
9. March 26, 1980
10. Kansas-Nebraska Natural Gas Co. Inc.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the **Federal Register**.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-11935 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 174]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 11, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Ohio Department of Natural Resources

Division of Oil and Gas

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s).
1. 80-20603/04598
2. 34-119-23416-0014
3. 108 000 000
4. The Miroil Co
5. Moneza #2
6. Adamsville SE Qtr Sec 25
7. Muskingum OH
8. 15.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp
1. 80-20604/06445
2. 34-157-221490014
3. 108 000 000
4. Great Lakes Gas Corp
5. LE & W Wallick #4
- 6.
7. Tuscarawas OH
8. 13.0 million cubic feet

9. March 18, 1980
10. East Ohio Gas Co
1. 80-20605/06446
2. 34-157-22281-0014
3. 108 000 000
4. Great Lakes Gas Corp
5. L E & W F Wallick #3
- 6.
7. Tuscarawas OH
8. 13.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20606/06447
2. 34-157-21723-0014
3. 108 000 000
4. Great Lakes Gas Co
5. O D Demarest #1
- 6.
7. Tuscarawas OH
8. 13.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company
1. 80-20607/06448
2. 34-157-21883-0014
3. 108 000 000
4. Great Lakes Gas Corp
5. Lewis Unit #1
- 6.
7. Tuscarawas OH
8. 13.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20608/06449
2. 34-157-21757-0014
3. 108 000 000
4. Great Lakes Gas Corp
5. Voris & Donna Stingel #1
- 6.
7. Tuscarawas OH
8. 13.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20609/06450
2. 34-157-22284-0014
3. 108 000 000
4. Great Lakes Gas Corp
5. L E & W F Wallick #2
- 6.
7. Tuscarawas OH
8. 13.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20610/06451
2. 34-157-22269-0014
3. 108 000 000
4. Great Lakes Gas Corp
5. L E & W F Wallick #1
- 6.
7. Tuscarawas OH
8. 13.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20611/06452
2. 34-157-21774-0014
3. 108 000 000
4. Great Lakes Gas Corp
5. Wilmont Mining Co #1
- 6.
7. Tuscarawas OH
8. 13.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20612/16453
2. 34-157-21724-0014
3. 108 000 000
4. Great Lakes Gas Corp
5. Dundee Land and Coal Co #2
- 6.
7. Tuscarawas OH
8. 13.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20613/06454
2. 34-157-21719-0014
3. 108 000 000
4. Great Lakes Gas Corp
5. Dundee Land and Coal Co #1
- 6.
7. Tuscarawas OH
8. 13.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20614
2. 34-007-20280-0014
3. 108 000 000
4. Jud Noble & Associates Inc
5. Stehura #1
6. Lenox
7. Ashtabula OH
8. 2.5 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20615/
2. 34-007-20291-0014
3. 108 000 000
4. Jud Noble & Associates Inc
5. Wladyka #1
6. Lenox
7. Ashtabula OH
8. 2.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20616
2. 34-007-21170-0014
3. 103 000 000
4. Nucorp Energy Co
5. Olin #2
- 6.
7. Ashtabula OH
8. 25.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20617
2. 34-009-21850-0014
3. 103 000 000
4. Foraker Producing Co Inc
5. Seel #1
- 6.
7. Athens OH
8. 10.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20618
2. 34-031-23558-0014
3. 103 000 000
4. Jonsu Corp
5. Ports #1
- 6.
7. Coshocton OH
8. 5.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20619
2. 34-031-23561-0014
3. 103 000 000
4. Jonsu Corp
5. Nellie Gardner #1
- 6.
7. Coshocton OH
8. 10.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20620
2. 34-031-23656-0014
3. 103 000 000
4. Jerry C Olds
5. Osborn #1
- 6.
7. Coshocton OH
8. 7.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20621
2. 34-031-23692-0014
3. 103 000 000
4. LBJ Drilling DBA Jeff Moran
5. Frank H Meiser & C Meiser #1
- 6.
7. Coshocton OH
8. 10.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20622
2. 34-031-23790-0014
3. 103 000 000
4. Altheirs Oil Inc
5. Alexander Graham #1
6. Pike Twp
7. Coshocton OH
8. 40.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission
1. 80-20623
2. 34-059-20936-0014
3. 108 000 000
4. Noble Gas Co
5. Homer Bundy #2
6. #
7. Guernsey OH
8. 1.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company
1. 80-20624
2. 34-059-21033-0014
3. 108 000 000
4. The Oxford Oil Co
5. Burdette Elliott #1
- 6.
7. Guernsey OH
8. 5.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20625
2. 34-075-22329-0014
3. 103 000 000
4. Ohio Titan Energy-Ltd Part 1979-13
5. #1 Homer Rogers
- 6.
7. Holmes OH
8. 600.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Trans
1. 80-20626
2. 34-075-22342-0014
3. 103 000 000
4. Royal Petroleum V Ltd
5. Yoder #1
- 6.
7. Holmes County OH
8. 5.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp
1. 80-20627

2. 34-075-22347-0014
3. 103 000 000
4. Royal Petroleum V Ltd
5. Swartzentruber #1
6.
7. Holmes County OH
8. 5.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp
1. 80-20628
2. 34-075-22355-0014
3. 103 000 000
4. Ohio Titan Energy-Ltd Part 1979-13
5. #2 Melvin Miller
6.
7. Holmes OH
8. 750.0 Million cubic feet
9. March 18, 1980
10. Columbia Gas Trans
1. 80-20629
2. 34-075-22410-0014
3. 103 000 000
4. Partners Oil Co
5. #1A-79C Snow
6.
7. Holmes OH
8. 100.0 Million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp
1. 80-20630
2. 34-085-20281-0014
3. 103 000 000
4. J W H Ltd Part #1
5. Roy & Alice Ronke #2
6.
7. Lake OH
8. 7.0 Million cubic feet
9. March 18, 1980
10. Columbia Gas Trans
1. 80-20631
2. 34-085-20282-0014
3. 103 000 000
4. J W H Ltd Part #1
5. Camp Roosevelt #2
6.
7. Lake OH
8. 7.0 Million cubic feet
9. March 18, 1980
10.
1. 80-20632
2. 34-089-23620-0014
3. 103 000 000
4. Collins-McGregor Operating Co
5. Virgil Binckley #3
6.
7. Licking County OH
8. 3.0 Million cubic feet
9. March 18, 1980
10. New Zane Gas Co
1. 80-20633
2. 34-089-23651-0014
3. 103 000 000
4. Collins-McGregor Operating Co
5. Virgil Binckley #B-1
6.
7. Licking OH
8. 3.0 Million cubic feet
9. March 18, 1980
10. New Zane Gas Company
1. 80-20634
2. 34-089-23681-0014
3. 103 000 000
4. Collins-McGregor Operating Co
5. Virgil Binckley #B-2
6.

7. Licking County OH
8. 6.0 Million cubic feet
9. March 18, 1980
10. New Zane Gas Co
1. 80-20635
2. 34-089-23735-0014
3. 103 000 000
4. Hilltop Development Corp
5. #1 Licking Valley School
6.
7. Licking OH
8. 4.0 Million cubic feet
9. March 18, 1980
10. National Gas & Oil Corp
1. 80-20636
2. 34-099-20250-0014
3. 108 000 000
4. Noble Gas Company
5. Myers-Centofanti Unit #2
6.
7. Mahoning OH
8. 11.0 Million cubic feet
9. March 18, 1980
10. East Ohio Gas Company
1. 80-20637
2. 34-099-21156-0014
3. 103 000 000
4. B & K Energy Four Mile Part 78
5. Four Mile #2
6.
7. Mahoning OH
8. 100.0 Million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20638
2. 34-103-20477-0014
3. 108 000 000
4. Donald W Geitgey Jr
5. Haborak #1 (Fikar #1)
6.
7. Medina OH
8. 4.8 Million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20639
2. 34-103-21911-0014
3. 103 000 000 Denied
4. Joseph J Smith & Sons
5. Joseph Smith #1
6.
7. Medina OH
8. 50.0 Million cubic feet
9. March 18, 1980
10. True Temper Corp
1. 80-20640
2. 34-103-22129-0014
3. 103 000 000
4. Northeastern Energy
5. Cookro No 1
6.
7. Medina OH
8. 21.0 Million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20641
2. 34-103-22157-0014
3. 103 000 000
4. Joseph J Smith & Sons
5. Joseph Smith and Sons #5
6.
7. Medina OH
8. 30.0 Million cubic feet
9. March 18, 1980
10. True Temper Corp
1. 80-20642

2. 34-103-22187-0014
3. 103 000 000
4. Smythco Inc
5. Eckert #2
6.
7. Mediana OH
8. 20.0 Million cubic feet
9. March 18, 1980
10.
1. 80-20643
2. 34-105-21829-0014
3. 103 000 000
4. Herald Oil & Gas Co
5. Leo Del Davidson #1
6.
7. Meigs OH
8. 5.4 Million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission
1. 80-20644
2. 34-105-21830-0014
3. 103 000 000
4. Herald Oil & Gas Co
5. Charles Davidson #1
6.
7. Meigs OH
8. 5.4 Million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission
1. 80-20645
2. 34-105-21841-0014
3. 103 000 000
4. Herald Oil & Gas Co
5. Tim Woodyard #3
6.
7. Meigs OH
8. 5.4 Million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission
1. 80-20646
2. 34-105-21873-0014
3. 103 000 000
4. Herald Oil & Gas Co
5. Richard Reuter #1
6.
7. Meigs OH
8. 5.4 Million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission
1. 80-20647
2. 34-105-21874-0014
3. 103 000 000
4. Herald Oil & Gas Co
5. Long-Sayre #1
6.
7. Meigs OH
8. 5.4 Million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission
1. 80-20648
2. 34-111-21864-0014
3. 103 000 000
4. Floyd Mann Oil & Gas Co
5. Floyd Mann #1
6.
7. Monroe OH
8. 15.0 Million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp
1. 80-20649
2. 34-111-21908-0014
3. 103 000 000
4. Drillers Petroleum Corp
5. George Evert West #2
6.

7. Monroe OH
8. 400.0 Million cubic feet
9. March 18, 1980
10.

1. 80-20650
2. 34-119-22620-0014
3. 108 000 000
4. The Oxford Oil Co
5. Mary Crawford #1
6.

7. Muskingum OH
8. 10.0 Million cubic feet
9. March 18, 1980
10. East Ohio Gas Co

1. 80-20651
2. 34-119-24922-0014
3. 103 000 000
4. Leader Equities Inc
5. Ben Roadruck #1A
6.

7. Muskingum OH
8. 15.0 Million cubic feet
9. March 18, 1980
10. East Ohio Gas Co

1. 80-20652
2. 34-119-24936-0014
3. 103 000 000
4. Williston Oil Corp
5. W Miller #3
6.

7. Muskingum OH
8. 14.6 Million cubic feet
9. March 18, 1980
10.

1. 80-20653
2. 34-119-24937-0014
3. 103 000 000
4. Williston Oil Corp
5. W Miller #4
6.

7. Muskingum OH
8. 14.6 Million cubic feet
9. March 18, 1980
10.

1. 80-20654
2. 34-119-24939-0014
3. 103 000 000
4. Williston Oil Corp
5. W Miller #1
6.

7. Muskingum OH
8. 14.6 Million cubic feet
9. March 18, 1980
10.

1. 80-20655
2. 34-119-24940-0014
3. 103 000 000
4. Williston Oil & Development Corp
5. Huelsman #6
6.

7. Muskingum OH
8. 14.6 Million cubic feet
9. March 18, 1980
10.

1. 80-20656
2. 34-119-24941-0014
3. 103 000 000
4. Williston Oil & Development Corp
5. Huelsman #4
6.

7. Muskingum OH
8. 14.6 Million cubic feet
9. March 18, 1980
10.

1. 80-20657

2. 34-119-24942-0014
3. 103 000 000
4. Williston Oil & Development Corp
5. Huelsman #5
6.

7. Muskingum OH
8. 14.6 Million cubic feet
9. March 18, 1980
10.

1. 80-20658
2. 34-119-24943-0014-
3. 103 000 000
4. Williston Oil & Development Corp
5. Huelsman #7
6.

7. Muskingum OH
8. 14.6 million cubic feet
9. March 18, 1980
10.

1. 80-20659
2. 34-119-24944-0014-
3. 103 000 000
4. Williston Oil & Development Corp
5. Huelsman #1
6.

7. Muskingum OH
8. 14.6 million cubic feet
9. March 18, 1980
10.

1. 80-20660
2. 34-119-24945-0014-
3. 103 000 000
4. Williston Oil & Development Corp
5. D. Huelsman #2
6.

7. Muskingum OH
8. 14.6 million cubic feet
9. March 18, 1980
10.

1. 80-20661
2. 34-119-24974-0014-
3. 103 000 000
4. Williston Oil Corp
5. F White #3
6.

7. Muskingum OH
8. 14.6 million cubic feet
9. March 18, 1980
10.

1. 80-20662
2. 34-119-24984-0014-
3. 103 000 000
4. Williston Oil Corp
5. W Miller #5
6.

7. Muskingum OH
8. 14.6 million cubic feet
9. March 18, 1980
10.

1. 80-20663
2. 34-119-24988-0014-
3. 103 000 000
4. Williston Oil Corp
5. F White #1
6.

7. Muskingum OH
8. 14.6 million cubic feet
9. March 18, 1980
10.

1. 80-20664
2. 34-119-24989-0014-
3. 103 000 000
4. Williston Oil Corp
5. F White #2
6.

7. Muskingum OH
8. 14.6 million cubic feet
9. March 18, 1980
10.

1. 80-20665
2. 34-119-24990-0014-
3. 103 000 000
4. Williston Oil Corp
5. Herron #1
6.

7. Muskingum OH
8. 14.6 million cubic feet
9. March 18, 1980
10.

1. 80-20666
2. 34-119-24992-0014-
3. 103 000 000
4. Williston Oil & Development Corp
5. Herron #6
6.

7. Muskingum OH
8. 14.6 million cubic feet
9. March 18, 1980
10.

1. 80-20667
2. 34-119-24993-0014-
3. 103 000 000
4. Williston Oil & Development Corp
5. Herron #5
6.

7. Muskingum OH
8. 14.6 million cubic feet
9. March 18, 1980
10.

1. 80-20668
2. 34-119-24994-0014-
3. 103 000 000
4. Williston Oil Corp
5. Herron #3
6.

7. Muskingum OH
8. 14.6 million cubic feet
9. March 18, 1980
10.

1. 80-20669
2. 34-119-24995-0014-
3. 103 000 000
4. Williston Oil Corp
5. Herron #3
6.

7. Muskingum OH
8. 14.6 million cubic feet
9. March 18, 1980
10.

1. 80-20670
2. 34-119-25026-0014-
3. 103 000 000
4. Irvin Producing Co
5. Timothy Kimpel #1
6.

7. Muskingum OH
8. 10.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80-20671
2. 34-119-25029-0014-
3. 103 000 000
4. Irvin Producing Co
5. Leo Roberts #2
6.

7. Muskingum OH
8. 10.0 million cubic feet
9. March 18, 1980
10. National Gas & Oil Corp

1. 80-20672

2. 34-119-25026-0014-
3. 103 000 000
4. Irvin Producing Co
5. Leo Roberts #1
- 6.
7. Muskingum OH
8. 10.0 million cubic feet
9. March 18, 1980
10. National Gas & Oil Corp
1. 80-20673
2. 34-119-25039-0014-
3. 103 000 000
4. Guernsey Petroleum Corp
5. Ohio Power #54-MH
- 6.
7. Muskingum OH
8. .0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company
1. 80-20674
2. 34-119-25040-0014-
3. 103 000 000
4. Williston Oil & Development Corp
5. Herron #7-A
- 6.
7. Muskingum OH
8. 14.6 million cubic feet
9. March 18, 1980
- 10.
1. 80-20675
2. 34-119-25092-0014-
3. 103 000 000
4. Landprovest Gas & Oil Co
5. L A Robertson #4
- 6.
7. Muskingum OH
8. 50.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20676
2. 34-121-21303-0014-
3. 108 000 000
4. Noble Gas Co
5. Fulton Cecil #1
- 6.
7. Noble OH
8. 5.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20677
2. 34-121-21307-0014-
3. 108 000 000
4. Noble Gas Co
5. Foraker J B #1
- 6.
7. Noble OH
8. 10.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20678
2. 34-121-21320-0014
3. 108 000 000
4. Noble Gas Co
5. Tomcho Joe #1
- 6.
7. Noble OH
8. 7.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20679
2. 34-121-21331-0014-
3. 108 000 000
4. Noble Gas Co
5. Hill Clayton #1 A
- 6.
7. Noble OH
8. 5.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20680
2. 34-121-21347-0014-
3. 108 000 000
4. Noble Gas Co
5. Harper Lawrence #1
- 6.
7. Noble OH
8. 4.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20681
2. 34-121-21352-0014-
3. 108 000 000
4. Noble Gas Co
5. Siddle Tilton #2
- 6.
7. Noble OH
8. 2.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20682
2. 34-121-21356-0014-
3. 108 000 000
4. Noble Gas Co
5. Davis Anna #1
- 6.
7. Noble OH
8. 8.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20683
2. 34-121-21303-0014-
3. 108 000 000
4. Noble Gas Co
5. Stoneking Charles #1
- 6.
7. Noble OH
8. 10.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20684
2. 34-121-21362-0014-
3. 108 000 000
4. Noble Gas Co
5. Fish Walter #1
- 6.
7. Noble OH
8. 16.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20685
2. 34-121-21366-0014-
3. 108 000 000
4. Noble Gas Co
5. Burrier Clayton #1
- 6.
7. Noble OH
8. 5.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20686
2. 34-121-21367-0014-
3. 108 000 000
4. Noble Gas Co
5. Groves Samantha #1
- 6.
7. Noble OH
8. 4.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20687
2. 34-121-21385-0014-
3. 108 000 000
4. Noble Gas Co
5. Cain Cecil #2
- 6.
7. Noble OH
8. 11.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20688
2. 34-121-21389-0014
3. 108 000 000
4. Noble Gas Co
5. Brownrigg Cecil #2
- 6.
7. Noble OH
8. 12.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company
1. 80-20689
2. 34-121-21390-0014
3. 108 000 000
4. Noble Gas Co
5. Haines Harold #1
- 6.
7. Noble OH
8. 6.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company
1. 80-20690
2. 34-121-21414-0014
3. 108 000 000
4. Noble Gas Co
5. Haines Harold #2
- 6.
7. Noble OH
8. 7.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company
1. 80-20691
2. 34-121-21422-0014
3. 108 000 000
4. Noble Gas Company
5. Stringer Wiley #1
- 6.
7. Noble OH
8. 10.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company
1. 80-20692
2. 34-121-21424-0014
3. 108 000 000
4. Noble Gas Company
5. Brown W D #1
- 6.
7. Noble OH
8. 16.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company
1. 80-20693
2. 34-121-21435-0014
3. 108 000 000
4. Noble Gas Co
5. Scott William #1
- 6.
7. Noble OH
8. 17.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company
1. 80-20694
2. 34-121-21438-0014
3. 108 000 000
4. Noble Gas Co
5. Correll Alta #1
- 6.

7. Noble OH
8. 8.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company

1. 80-20695
2. 34-121-21439-0014
3. 108 000 000
4. Noble Gas Co
5. Larrick Ralph #1
- 6.

7. Noble OH
8. 15.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company

1. 80-20696
2. 34-121-21443-0014
3. 108 000 000
4. Noble Gas Co
5. Shields Edgel #3
- 6.

7. Noble OH
8. 3.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company

1. 80-20697
2. 34-121-21451-0014
3. 108 000 000
4. Noble Gas Co
5. Walters Louise #1
- 6.

7. Noble OH
8. 15.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company

1. 80-20698
2. 34-121-21513-0014
3. 108 000 000
4. Noble Gas Co
5. Collins Mary #1
- 6.

7. Noble OH
8. 16.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company

1. 80-20699
2. 34-121-21942-0014
3. 108 000 000
4. The Oxford Oil Co
5. Geniece Heathorne #1
- 6.

7. Noble OH
8. 20.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company

1. 80-20700
2. 34-121-22200-0014
3. 103 000 000
4. Drillers Petroleum Corp
5. R R Ullmann A-5
- 6.

7. Noble OH
8. 40.0 million cubic feet
9. March 18, 1980
- 10.

1. 80-20701
2. 34-121-22215-0014
3. 103 000 000
4. Guernsey Petroleum Corp
5. Ohio Power #53-MH
- 6.

7. Noble OH
8. .0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company

1. 80-20702

2. 34-121-22218-0014
3. 103 000 000
4. Guernsey Petroleum Corp
5. Ohio Power #51-MH
- 6.

7. Noble OH
8. .0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company

1. 80-20703
2. 34-127-24358-0014
3. 103 000 000
4. Quaker State Oil Refining Corp
5. Wagner #3 80213-3
- 6.

7. Perry OH
8. 138.7 million cubic feet
9. March 18, 1980
10. Foraker Gas Company

1. 80-20704
2. 34-127-24364-0014
3. 103 000 000
4. Quaker State Oil Refining Corp
5. A Kunkler Jr #1 80216-1
- 6.

7. Perry OH
8. 9.1 million cubic feet
9. March 18, 1980
10. Foraker Gas Company

1. 80-20705
2. 34-127-24422-0014
3. 103 000 000
4. Altheirs Oil Inc
5. Lawrence Seidell #1-A
6. Jackson TWP

7. Perry OH
8. 10.0 million cubic feet
9. March 18, 1980
10. Foraker Gas Company

1. 80-20706
2. 34-127-24470-0014
3. 103 000 000
4. Irvin Producing Co
5. Myrtle Spergin #1
- 6.

7. Perry OH
8. 12.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80-20707
2. 34-127-24471-0014
3. 103 000 000
4. Irvin Producing Co
5. Myrtle Spergin #2
- 6.

7. Perry OH
8. 12.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80-20708
2. 34-127-24472-0014
3. 103 000 000
4. Irvin Producing Co
5. Myrtle Spergin #3
- 6.

7. Perry OH
8. 12.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80-20709
2. 34-127-24516-0014
3. 103 000 000
4. Irvin Producing Co
5. Walter Pettet #5
- 6.

7. Perry OH
8. 12.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80-20710
2. 34-127-24517-0014
3. 103 000 000
4. Irvin Producing Co
5. Walter Pettet #6
- 6.

7. Perry OH
8. 12.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80-20711
2. 34-127-24522-0014
3. 103 000 000
4. Irvin Producing Co
5. Richard Howk #1
- 6.

7. Perry OH
8. 12.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80-20712
2. 34-127-24545-0000
3. 103 000 000
4. Williston Oil & Development Corp
5. J Danison #2
- 6.

7. Perry OH
8. 14.2 million cubic feet
9. March 18, 1980
- 10.

1. 80-20713
2. 34-127-24551-0014
3. 103 000 000
4. Williston Oil & Development Corp
5. H Ridenour #1
6. H Ridenour 1

7. Perry OH
8. 14.6 million cubic feet
9. March 18, 1980
- 10.

1. 80-20714
2. 34-133-20444-0014
3. 108 000 000
4. The Oxford Oil Co
5. Little Community #1
- 6.

7. Portage OH
8. 10.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company

1. 80-20715
2. 34-133-21081-0014
3. 103 000 000
4. Summit Oil Co Inc
5. Minski-Krepa #1
6. Ravenna

7. Portage OH
8. 12.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company

1. 80-20716
2. 34-133-21089-0014
3. 103 000 000
4. Summit Oil Company Inc
5. A & M Philpot #1
6. Ravenna Field

7. Portage OH
8. 12.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company

1. 80-20717

2. 34-133-21757-0014
3. 103 000 000
4. POI Energy Inc
5. Moore-Horner-Bowers-Peters #1
- 6.
7. Portage OH
8. 10.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20718
2. 34-133-21820-0014
3. 103 000 000
4. POI Energy Inc
5. English #2A
- 6.
7. Portage OH
8. 20.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20719
2. 34-133-21856-0014
3. 103 000 000
4. POI Energy Inc
5. Gale #1
- 6.
7. Portage OH
8. 7.5 million cubic feet
9. March 18, 1980
- 10.
1. 80-20720
2. 34-133-21858-0014
3. 103 000 000
4. POI Energy Inc
5. Beck-Griffith-Wilson #3
- 6.
7. Portage OH
8. 70.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20721
2. 34-133-21860-0014
3. 103 000 000
4. POI Energy Inc
5. Gressard #3
- 6.
7. Portage OH
8. 15.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20722
2. 34-133-21864-0014
3. 103 000 000
4. POI Energy Inc
5. Higgins #1
- 6.
7. Portage OH
8. 35.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20723
2. 34-133-21884-0014
3. 103 000 000
4. POI Energy Inc
5. C Corbett #1
- 6.
7. Portage OH
8. 10.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20724
2. 34-133-21885-0014
3. 103 000 000
4. POI Energy Inc
5. Gott #4
- 6.
7. Portage OH
8. 12.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20725
2. 34-133-22133-0014
3. 103 000 000
4. New Frontier Exploration Inc
5. Murphy-Waltz Unit #1
- 6.
7. Portage OH
8. 25.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20726
2. 34-133-22170-0014
3. 103 000 000
4. New Frontier Exploration Inc
5. Donald Montgomery #1
- 6.
7. Portage OH
8. 34.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20727
2. 34-133-22179-0014
3. 103 000 000
4. Viking Resources Corp
5. Ibele #2
- 6.
7. Portage OH
8. 30.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20728
2. 34-133-22180-0014
3. 103 000 000
4. Viking Resources Corp
5. Ibele #1
- 6.
7. Portage OH
8. 30.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20729
2. 34-151-20112-0014
3. 103 000 000
4. Donald W. Geitgey
5. Shetzley #1 (Zimmerman)
- 6.
7. Stark OH
8. 5.4 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20730
2. 34-151-20131-0014
3. 108 000 000
4. Donald W Geitgey Jr
5. S Wearstler #1
- 6.
7. Stark OH
8. 4.8 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20731
2. 34-151-20145-0014
3. 108 000 000
4. Donald W Geitgey Jr
5. Grubb #1
- 6.
7. Stark OH
8. 4.5 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20732
2. 34-151-20146-0014
3. 108 000 000
4. Donald W Geitgey Jr
5. Tessmer #1
- 6.
7. Stark OH
8. 1.4 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20733
2. 34-151-20160-0014
3. 108 000 000
4. Donald W Geitgey Jr
5. P Kimmel #1
- 6.
7. Stark OH
8. 3.7 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20734
2. 34-151-20166-0014
3. 108 000 000
4. Donald W Geitgey Jr
5. Thomas #1
- 6.
7. Stark OH
8. 6.6 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20735
2. 34-151-20172-0014
3. 108 000 000
4. Donald W Geitgey Jr
5. E Dutt (Miller) #1
- 6.
7. Stark OH
8. 5.7 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20736
2. 34-151-20173-0014
3. 108 000 000
4. Donald W Geitgey Jr
5. Booth #1
- 6.
7. Stark OH
8. 2.6 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20737
2. 34-151-20179-0014
3. 108 000 000
4. Donald W Geitgey Jr
5. Ingold #1
- 6.
7. Stark OH
8. 10.2 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20738
2. 34-151-20190-0014
3. 108 000 000
4. Donald W Geitgey Jr
5. C O Brumbaugh #1
- 6.
7. Stark OH
8. 8.5 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20739
2. 34-151-20194-0014
3. 108 000 000
4. Donald W Geitgey Jr
5. Williams Conn #2
- 6.

7. Stark OH
8. 5.3 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-207340
2. 34-151-20195-0014
3. 108 000 000
4. Donald W Geitgey Jr
5. I Wearstler #1
- 6.
7. Stark OH
8. 11.3 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20741
2. 34-151-20210-0014
3. 108 000 000
4. Donald W Geitgey Jr
5. Shetzley #2
- 6.
7. Stark OH
8. 1.6 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20742
2. 34-151-20305-0014
3. 108 000 000
4. The Burtner-Morgan-Stephens Co
5. Miller No 1
- 6.
7. Stark OH
8. 3.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20743
2. 34-151-20885-0014
3. 108 000 000
4. The Burtner-Morgan-Stephens Co
5. Eberly No 1
- 6.
7. Stark OH
8. 10.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20744
2. 34-151-20907-0014
3. 108 000 000
4. The Burtner-Morgan-Stephens Co
5. Binder No 1
- 6.
7. Stark OH
8. 9.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20745
2. 34-151-20909-0014
3. 108 000 000
4. Donald W Geitgey Jr
5. A Troyer #1
- 6.
7. Stark OH
8. 6.5 million cubic feet
9. March 18, 1980
10. East Ohio
1. 80-20746
2. 34-151-20914-0014
3. 108 000 000
4. Donald W Geitgey
5. L Troyer #1
- 6.
7. Stark OH
8. 6.1 million cubic feet
9. March 18, 1980
10. East Ohio Gas
1. 80-20747
2. 34-151-20990-0014
3. 108 000 000
4. The Burtner-Morgan-Stephens Co
5. Adams No 1
- 6.
7. Stark OH
8. 11.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20748
2. 34-151-21143-0014
3. 108 000 000
4. Quaker State Oil Refining Corp
5. Mary Mong #2
- 6.
7. Stark OH
8. 2.2 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20749
2. 34-151-21282-0014
3. 108 000 000
4. Donna J Geitgey
5. Pollock #1
- 6.
7. Stark OH
8. 5.5 million cubic feet
9. March 18, 1980
10. East Ohio
1. 80-20750
2. 34-151-21315-0014
3. 108 000 000
4. Donna J Geitgey
5. Pollock #1
- 6.
7. Stark OH
8. 5.5 million cubic feet
9. March 18, 1980
10. East Ohio
1. 80-20751
2. 34-151-21675-0014
3. 108 000 000
4. Donna Jean Geitgey
5. Jacobs Unit #1
- 6.
7. Stark OH
8. 2.4 million cubic feet
9. March 18, 1980
10. East Ohio
1. 80-20752
2. 34-151-22200-0014
3. 108 000 000
4. Ponderosa Oil Co
5. Massillon Sand & Gravel #1
- 6.
7. Stark OH
8. 10.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20753
2. 34-151-22278-0014
3. 108 000 000
4. Ponderosa Oil Co
5. P Muskoff #1
- 6.
7. Stark OH
8. 12.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20754
2. 34-151-22337-0014
3. 108 000 000
4. Ponderosa Oil Co
5. Ellis #1
- 6.
7. Stark OH
8. 7.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Company
1. 80-20755
2. 34-151-22910-0014
3. 103 000 000
4. Viking Resources Corp
5. Brocklehurst #1
- 6.
7. Stark OH
8. 30.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20756
2. 34-151-22919-0014
3. 103 000 000
4. Otex Inc
5. D & R Poth #1
6. Boliver
7. Stark OH
8. 14.0 million cubic feet
9. March 18, 1980
10. EOG
1. 80-20757
2. 34-151-23058-0014
3. 103 000 000
4. Amtex Oil and Gas Inc
5. Soehnen No 3
- 6.
7. Stark OH
8. 250.0 million cubic feet
9. March 18, 1980
- 10.
1. 80-20758
2. 34-151-23095-0014
3. 103 000 000
4. Belden & Blake and Co LP No 73
5. H & M Tessmer #2-921
- 6.
7. Stark OH
8. 36.5 million cubic feet
9. March 18, 1980
- 10.
1. 80-20759
2. 34-151-23097-0014
3. 103 000 000
4. Belden & Blake and Co LP No 73
5. M & L Sluss Comm #2-922
- 6.
7. Stark OH
8. 36.5 million cubic feet
9. March 18, 1980
- 10.
1. 80-20760
2. 34-151-23111-0014
3. 103 000 000
4. Belden & Blake and Co LP No 73
5. C & L Linerode Comm #2-934
- 6.
7. Stark OH
8. 36.5 million cubic feet
9. March 18, 1980
- 10.
1. 80-20761
2. 34-151-23122-0014
3. 103 000 000
4. C-D Oil & Gas Partnership
5. Tessmer No 2
- 6.
7. Stark OH
8. 18.3 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co
1. 80-20762

2. 34-153-20150-0014
 3. 108 000 000
 4. The Oxford Oil Co
 5. Weston-Wallhaven #1
 6.
 7. Summit OH
 8. 10.0 million cubic feet
 9. March 18, 1980
 10. East Ohio Gas Co
 1. 80-20763
 2. 34-153-00160-0014
 3. 108 000 000
 4. Harry and Marie B Slanta
 5. Slanta #1
 6.
 7. Summit OH
 8. 6.0 million cubic feet
 9. March 18, 1980
 10. East Ohio Gas Co
 1. 80-20764
 2. 34-153-20361-0014
 3. 108 000 000
 4. The Carter-Jones Lumber Co
 5. Van Carter #1
 6. Tallmadge East
 7. Summit OH
 8. 3.0 million cubic feet
 9. March 18, 1980
 10. East Ohio Gas Company
 1. 80-20765
 2. 34-153-20667-0014
 3. 103 000 000
 4. POI Energy Inc
 5. Exline #1
 6.
 7. Summit OH
 8. 30.0 million cubic feet
 9. March 18, 1980
 10.
 1. 80-20766
 2. 34-153-20683-0014
 3. 103 000 000
 4. POI Energy Inc
 5. Case #2
 6.
 7. Summit OH
 8. 50.0 million cubic feet
 9. March 18, 1980
 10.
 1. 80-20767
 2. 34-153-20732-0014
 3. 103 000 000
 4. KST Oil & Gas Co Inc
 5. Blossom Music Center #2
 6.
 7. Summit OH
 8. 35.0 million cubic feet
 9. March 18, 1980
 10. East Ohio Gas Co
 1. 80-20768
 2. 34-153-20733-0014
 3. 103 000 000
 4. KST Oil & Gas Co Inc
 5. Blossom Music Center #1
 6.
 7. Summit OH
 8. 35.0 million cubic feet
 9. March 18, 1980
 10. East Ohio Gas Co
 1. 80-20769
 2. 34-153-20738-0014
 3. 103 000 000
 4. The Goodyear Tire & Rubber Co
 5. Cook MFG/Kent Machine #1
 6.

7. Summit OH
 8. 20.0 million cubic feet
 9. March 18, 1980
 10.
 1. 80-20770
 2. 34-153-20747-0014
 3. 103 000 000
 4. KST Oil & Gas Co Inc
 5. Powell-Heller #2
 6.
 7. Summit OH
 8. 35.0 million cubic feet
 9. March 18, 1980
 10.
 1. 80-20771
 2. 34-153-20761-0014
 3. 103 000 000
 4. Bartlo Oil and Gas Co Inc
 5. Archwood leasing #1
 6.
 7. Summit OH
 8. 30.0 million cubic feet
 9. March 18, 1980
 10. Libbey-Owens-Ford Co
 1. 80-20772
 2. 34-157-20411-0014
 3. 108 000 000
 4. The Burtner-Morgan-Stephens Co
 5. Kinsey No #1
 6.
 7. Tuscarawas OH
 8. 5.0 million cubic feet
 9. March 18, 1980
 10. East Ohio Gas Co
 1. 80-20773
 2. 34-157-20994-0014
 3. 108 000 000
 4. Buckeye-Franklin Co
 5. Victor Weaver No 1
 6.
 7. Tuscarawas OH
 8. 5.0 million cubic feet
 9. March 18, 1980
 10. East Ohio Gas Co
 1. 80-20774
 2. 34-157-21017-0014
 3. 108 000 000
 4. The Oxford Oil Co
 5. William Kastor #1
 6.
 7. Tuscarawas OH
 8. 8.0 million cubic feet
 9. March 18, 1980
 10. Buckeye-Franklin Gas & Oil
 1. 80-20775
 2. 34-157-21464-0014
 3. 108 000 000
 4. Blaze Oil and Gas Inc
 5. #1 Lynn E. Everett
 6.
 7. Tuscarawas OH
 8. 7.6 million cubic feet
 9. March 18, 1980
 10. East Ohio Gas Company
 1. 80-20776
 2. 34-157-21604-0014
 3. 108 000 000
 4. Blaze Oil and Gas Inc
 5. #1 Karl E. Riker
 6.
 7. Tuscarawas OH
 8. 13.2 million cubic feet
 9. March 18, 1980
 10. East Ohio Gas Company
 1. 80-20777

2. 34-157-22133-0014
 3. 108 000 000
 4. Blaze Oil and Gas Inc
 5. #2 Lynn E. Everett
 6.
 7. Tuscarawas OH
 8. 8.5 million cubic feet
 9. March 18, 1980
 10. East Ohio Gas Company
 1. 80-20778
 2. 34-157-23397-0014-
 3. 103 000 000
 4. KST Oil & Gas Co Inc
 5. Hummell-Breyer Unit #1
 6.
 7. Tuscarawas, OH
 8. 25.0 million cubic feet
 9. March 18, 1980
 10.
 1. 80-20779
 2. 34-157-23443-0014-
 3. 103 000 000
 4. Belden & Blake and Co L P No 73
 5. Fry Angle #5-930
 6.
 7. Tuscarawas, OH
 8. 36.5 million cubic feet
 9. March 18, 1980
 10.
 1. 80-20780
 2. 34-167-23857-0014-
 3. 103 000 000
 4. Lauderman Oil & Gas Drilling
 5. Gale Lang #1
 6. Flemming
 7. Washington, OH
 8. 675.0 million cubic feet
 9. March 18, 1980
 10. Clinton Oil Company
 1. 80-20781
 2. 34-167-24307-0014-
 3. 103 000 000
 4. Lauderman Oil & Gas Drilling
 5. C & L Isner #1
 6. Reno
 7. Washington, OH
 8. 475.0 million cubic feet
 9. March 18, 1980
 10. East Ohio Gas Co
 1. 80-20782
 2. 34-167-24765-0014-
 3. 103 000 000
 4. Quadrant Exploration Corp
 5. Carol Lee Heslop Barnes #1
 6.
 7. Washington, OH
 8. 60.0 million cubic feet
 9. March 18, 1980
 10.
 1. 80-20783
 2. 34-167-24770-0014-
 3. 103 000 000
 4. Quadrant Exploration Corp
 5. Charles & Jennie Bowersock #2
 6.
 7. Washington, OH
 8. 54.0 million cubic feet
 9. March 18, 1980
 10.
 1. 80-20784
 2. 34-167-24816-0014-
 3. 103 000 000
 4. L&M Petroleum
 5. Wilbur Bohlen #1
 6.

7. Washington, OH
8. 12.8 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmissions
1. 80-20785
2. 34-167-25014-0014-
3. 103 000 000
4. L&M Petroleum
5. Noland-McCain Unit #1
- 6.
7. Washington, OH
8. 12.8 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmissions
1. 80-20786
2. 34-167-25112-0014-
3. 103 000 000
4. Dennis D Blausner
5. Robert J Kubota #2
- 6.
7. Washington, OH
8. 6.5 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp
1. 80-20787
2. 34-157-20478-0014-
3. 108 000 000
4. The Burtner-Morgan-Stephens Co
5. Brown No 1
- 6.
7. Tuscarawas, OH
8. 3.0 million cubic feet
9. March 18, 1980
10. East Ohio Gas Co

Oklahoma Corporation Commission

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-20788/02008
2. 35-007-00000-0000-
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Saunders #15-171
6. Undesignated Field [C NW 3-1N-22ECM
7. Beaver, OK
8. 700.0 million cubic feet
9. March 17, 1980
10. Northern Natural Gas Co
1. 80-20789/02009
2. 35-025-20362-0000-
3. 103 000 000
4. John P Castleman Jr
5. Castleman-Dougherty No 10-1
6. Sampsel
7. Cimarron, OK
8. 180.0 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipeline Co
1. 80-20790/01955
2. 35-151-30244-0000-
3. 108 000 000
4. Phoenix Resources Co
5. Camp Mevlin #1-10
6. South West Avord
7. Woods, OK
8. 20.0 million cubic feet

9. March 17, 1980
10. Panhandle Eastern Pipeline Co
1. 80-20791/01957
2. 35-073-30353-0000-
3. 108 000 000
4. Phoenix Resources Co
5. Nora Chambers #1-12
6. Southwest Lincoln
7. Kingfisher, OK
8. 5.0 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipeline Co
1. 80-20792/01958
2. 35-153-20461-0000-
3. 108 000 000
4. Jet Oil Co
5. Penick #1
6. N W Quinlan
7. Woodward, OK
8. 14.0 million cubic feet
9. March 17, 1980
10. Delhi Gas Pipeline Corp
1. 80-20793/01960
2. 35-059-20460-0000-
3. 108 000 000
4. Texas Oil & Gas Corp
5. Smith D #1
6. N E F T Supply
7. Harper, OK
8. 11.2 million cubic feet
9. March 17, 1980
10. Delhi Gas Pipeline Corp
1. 80-20794/01970
2. 35-151-00000-0000-
3. 108 000 000
4. Russell V Johnson Jr
5. #1 Earnest
6. South Teagarden
7. Woods, OK
8. 19.2 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-20795/02002
2. 35-019-21812-0000-
3. 103 000 000
4. Jones & Pellow Oil Co
5. Hull 20-1
6. NE Joyner
7. Carter, OK
8. 43.2 million cubic feet
9. March 17, 1980
10. Oklahoma Natural Gas Co
1. 80-20796/02003
2. 35-019-21755-0000-
3. 103 000 000
4. Jones & Pellow Oil Co
5. Cude 28-1
6. NE Joyner
7. Carter, OK
8. 75.0 million cubic feet
9. March 17, 1980
10. Oklahoma Natural Gas Co
1. 80-20797/02006
2. 35-139-20915-0000
3. 108 000 000
4. H & L Operating Co
5. Wilkins #1 139-53195
6. Guymon-Hugoton
7. Texas, OK
8. 8.0 million cubic feet
9. March 17, 1980
10. Kansas Nebraska Natural Gas Co
1. 80-20798/01971
2. 35-059-20276-0000-

3. 108 000 000
4. Gulf Oil Corp
5. W A Dunsworth No 2
6. Laverne
7. Harper, OK
8. 17.0 million cubic feet
9. March 17, 1980
10. Colorado Interstate Gas Co
1. 80-20799/01975
2. 35-059-20335-0000-
3. 108 000 000
4. Singer-Fleischaker Oil Operating Co
5. Rogers #1-12
6. Doby Springs
7. Harper, OK
8. 18.0 million cubic feet
9. March 17, 1980
10. Delhi Gas Pipeline Corp
1. 80-20800/02001
2. 35-137-00500-0000-
3. 108 000 000
4. Singer-Fleischaker Oil Operating Co
5. Von Weise #1
6. SHO-VEL-TUM
7. Stephens, OK
8. 6.0 million cubic feet
9. March 17, 1980
10. Getty Oil Co
1. 80-20801/01332
2. 35-077-20160-0000-
3. 108 000 000
4. Samson Resources Co
5. Cirar No 1
6. Red Oak
7. Latimer, OK
8. 7.3 million cubic feet
9. March 17, 1980
10. Arkansas Louisiana Gas Co
1. 80-20802/01337
2. 35-121-20556-0000-
3. 103 000 000
4. W P Lerblance Jr
5. Pruitt No 4
6. South Featherston
7. Pittsburg, OK
8. 65.6 million cubic feet
9. March 17, 1980
10. Gas Transmission Co
1. 80-20803/01691
2. 35-073-00000-0000-
3. 108 000 000
4. Henry H Gungoll Associates
5. Gungoll #1
6. Hennessey
7. Kingfisher, OK
8. 5.0 million cubic feet
9. March 17, 1980
10. Exxon Co USA
1. 80-804/00295
2. 35-019-0000G-0000-
3. 108 000 000
4. E Lyle Johnson
5. Johnson Estate #7
6. Fox
7. Carter, OK
8. .0 million cubic feet
9. March 17, 1980
10. Aminoil USA Inc
1. 80-20805/01921
2. 35-045-20366-0000-
3. 108 000 000
4. Premier Resources Ltd
5. Sutter E009
- 6.
7. Ellis, OK

8. 15.5 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipeline Co
1. 80-20806/01926
2. 35-045-20307-0000-
3. 103 000 000
4. Premier Resources Ltd
5. Baker D012
6. Mocane-Laverne
7. Ellis, OK
8. 5.5 million cubic feet
9. March 17, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80-20807/01934
2. 35-151-35242-0000
3. 108 000 000
4. Amerada Hess Corp
5. F O Smith No 1
6. Oakdale NW
7. Woods, OK
8. 10.2 million cubic feet
9. March 17, 1980
10. Michigan Wisconsin Pipeline Co
1. 80-20808/01922
2. 35-045-35211-0000
3. 108 000 000
4. Phoenix Resources Co
5. Thompson #1
6. Tune
7. Ellis, OK
8. 11.0 million cubic feet
9. March 17, 1980
10. Northern Natural Gas Co
1. 80-20809/01871
2. 35-047-00000-0000
3. 103 000 000
4. Carl E Gungoll
5. McBurney #2
6. NE Enid
7. Garfield, OK
8. 75.0 million cubic feet
9. March 17, 1980
10. Champlin Petroleum Co
1. 80-20810/01872
2. 35-047-00000-0000
3. 103 000 000
4. Carl E Gungoll
5. McBurney #2
6. NE Enid
7. Garfield, OK
8. 75.0 million cubic feet
9. March 17, 1980
10. Champlin Petroleum Co
1. 80-20811/01873
2. 35-047-21691-0000
3. 103 000 000
4. Henry H Gungoll Associates
5. Luckert #1-20
6. Northeast Enid
7. Garfield, OK
8. 150.0 million cubic feet
9. March 17, 1980
10. Union Texas Petroleum
1. 80-20812/01915
2. 35-003-20252-0000
3. 108 000 000
4. Harper Oil Co
5. Elkins 1
6. Ringwood
7. Alfalfa, OK
8. 6.0 million cubic feet
9. March 17, 1980
10. Delhi Gas Pipeline Corp
1. 80-20813/01951
2. 35-003-20263-0000
3. 108 000 000
4. Harper Oil Co
5. Tucker 1
6. Wildcat
7. Alfalfa, OK
8. 17.0 million cubic feet
9. March 17, 1980
10. Aminoil USA
1. 80-20814/01866
2. 35-047-20791-0000
3. 108 000 000
4. Harper Oil Co
5. Haskins 1
6. S Hunter
7. Garfield, OK
8. 5.0 million cubic feet
9. March 17, 1980
10. Transok Pipeline Co
1. 80-20815/01867
2. 35-047-20922-0000
3. 108 000 000
4. Harper Oil Co
5. Campbell 1
6. NE Enid
7. Garfield, OK
8. 7.0 million cubic feet
9. March 17, 1980
10. Transok Pipeline Co
1. 80-20816/01868
2. 35-047-51136-0000
3. 108 000 000
4. Harper Oil Co
5. Leland 1
6. NE Enid
7. Garfield, OK
8. 5.0 million cubic feet
9. March 17, 1980
10. Transok Pipeline Co
1. 80-20817/01917
2. 35-003-20230-0000
3. 108 000 000
4. Harper Oil Co
5. Davidson 2
6. Ringwood
7. Alfalfa, OK
8. 1.0 million cubic feet
9. March 17, 1980
10. Delhi Gas Pipeline Corp
1. 80-20818/01022
2. 35-063-20641-0000
3. 103 000 000
4. Lee Energy Exploration Ltd
5. Gilmore #1-26
- 6.
7. Hughes, OK
8. 78.0 million cubic feet
9. March 17, 1980
10. Arkansas Louisiana Pipe Line
1. 80-20819/01023
2. 35-063-20775-0000
3. 103 000 000
4. Lee Energy Exploration Ltd
5. McEwin #1
- 6.
7. Hughes, OK
8. 20.0 million cubic feet
9. March 17, 1980
10. Arkansas Louisiana Pipe Line
1. 80-20820/01024
2. 35-063-20681-0000
3. 103 000 000
4. Clayton E Lee
5. Gilmore #1-23
- 6.
7. Hughes, OK
8. 18.5 million cubic feet
9. March 17, 1980
10. Arkansas Louisiana Pipe Line
1. 80-20821/01725
2. 35-083-00000-0000
3. 103 000 000
4. Jet Oil Co
5. Phares 1-A
6. N Elkhorn
7. Logan, OK
8. 12.0 million cubic feet
9. March 17, 1980
10. Aminoil USA Inc
1. 80-20822/01823
2. 35-093-00000-0000
3. 108 000 000
4. Entex Petroleum Inc
5. Sarah No 1
6. Ringwood
7. Major, OK
8. 4.0 million cubic feet
9. March 17, 1980
10. ONG Gathering Corp, Pioneer Gas Products Co
1. 80-20823/01834
2. 35-093-00000-0000
3. 103 000 000
4. L O Ward
5. Oklahoma 2-13
6. Dane
7. Major, OK
8. 30.0 million cubic feet
9. March 17, 1980
10. Phillips Petroleum Co
1. 80-20825/01836
2. 35-093-00000-0000
3. 103 000 000
4. L O Ward
5. Oklahoma 1-13 (Red Fork—
6. Dane
7. Major, OK
8. 60.0 million cubic feet
9. March 17, 1980
10. Phillips Petroleum Co
1. 80-20826/01417
2. 35-119-20483-0000
3. 108 000 000
4. Ketel Oil Producing Co
5. Berry #2
6. N Cushing
7. Payne, OK
8. 12.0 million cubic feet
9. March 17, 1980
10. Phillips Petroleum Co
1. 80-20827/01574
2. 35-039-20130-0000
3. 108 000 000
4. Michigan Wisconsin Pipe Line Co
5. Smith A No 1
6. S E Aledo
7. Custer, OK
8. 18.0 million cubic feet
9. March 17, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80-20828/01659
2. 35-073-20717-0000
3. 108 000 000
4. Harper Oil Co
5. Troyer 2
6. Sooner Trend
7. Kingfisher, OK
8. 10.0 million cubic feet
9. March 17, 1980
10. Phillips Petroleum Co

1. 80-20829/01666
2. 35-073-20566-0000
3. 108 000 000
4. Harper Oil Co
5. Choate 1
6. Sooner Trend
7. Kingfisher, OK
8. 8.0 million cubic feet
9. March 17, 1980
10. Phillips Petroleum Co
1. 80-20830/02018
2. 35-007-00000-0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Messner #13-114
6. Undesignated field (SW SW 30-2N-28E)
7. Beaver, OK
8. 60.0 million cubic feet
9. March 17, 1980
10. Northern Natural Gas Co
1. 80-20831/02019
2. 35-025-20363-0000
3. 103 000 000
4. Service Drilling Co
5. Hanes #1-27
6. South Midwell
7. Cimarron, OK
8. .0 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipeline Co
1. 80-20832/02023
2. 35-007-00000-0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Cabot #13-145
6. Laverne (Morrow) (C NE 25-4N-27ECM)
7. Beaver, OK
8. 330.0 million cubic feet
9. March 17, 1980
10. Northern Natural Gas Co
1. 80-20833/02024
2. 35-007-00000-0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Chester #13-144
6. Undesignated field (C NE 17-4N-27EC)
7. Beaver, OK
8. 240.0 million cubic feet
9. March 17, 1980
10. Northern Natural Gas Co
1. 80-20834/02025
2. 35-007-00000-0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Barby #12-137
6. Mocane (Tonkawa) (SW NW 17-4N-27ECM)
7. Beaver, OK
8. 200.0 million cubic feet
9. March 17, 1980
10. Northern Natural Gas Co
1. 80-20835/02027
2. 35-139-20986-0000
3. 103 000 000
4. Follett Operating Co
5. State I-A 13954918
6. NW Eva
7. Texas, OK
8. 10.5 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipeline Company
1. 80-20836/02028
2. 35-139-21058-0000
3. 103 000 000
4. Southland Royalty Co
5. Bevan 1-9
6. N Hooker
7. Texas, OK
8. 48.0 million cubic feet
9. March 17, 1980
10. Northern Natural Gas Co
1. 80-20837/02029
2. 35-139-21047-0000
3. 103 000 000
4. Southland Royalty Co
5. Ehrhardt #1-27
6. North Hooker
7. Texas, OK
8. 150.0 million cubic feet
9. March 17, 1980
10. Northern Natural Gas Co
1. 80-20838/01853
2. 35-047-00000-0000
3. 108 000 000
4. Harper Oil Co
5. Liebhart 1
6. S E Lahoma
7. Garfield, OK
8. 9.0 million cubic feet
9. March 17, 1980
10. Arkansas Louisiana Gas Co
1. 80-20839/01831
2. 35-093-21423-0000
3. 103 000 000
4. Heston Oil Co
5. Nightengale 8-1
6. Ringwood
7. Major, OK
8. 106.0 million cubic feet
9. March 17, 1980
10. Oklahoma Natural Gas Gathering Corp
1. 80-20840/01887
2. 35-093-21069-0000
3. 108 000 000
4. Arkansas Western Production Co
5. #1 Unruh
6. Ringwood
7. Major, OK
8. 17.1 million cubic feet
9. March 17, 1980
10. Oklahoma Gas & Elec
1. 80-20841/01896
2. 35-093-00000-0000
3. 108 000 000
4. An-Son Corp
5. Schrahl #1
- 6.
7. Major Co OK
8. 10.0 million cubic feet
9. March 17, 1980
10. Union Texas Petroleum
1. 80-20842/01898
2. 35-093-00000-0000
3. 108 000 000
4. An-Son Corp
5. Becker #1
- 6.
7. Major, OK
8. 6.0 million cubic feet
9. March 17, 1980
10. Union Texas Petroleum
1. 80-20843/01899
2. 35-003-20650-0000
3. 103 000 000
4. Maguire Oil Co
5. Kirkendall #2
6. Chaney Dell E Miss
7. Alfalfa, OK
8. 4.0 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-20844/01751
2. 35-093-21535-0000
3. 103 000 000
4. J L Thomas Engineering Inc
5. Maggie O #1
6. Isabella
7. Major, OK
8. 227.4 million cubic feet
9. March 17, 1980
10. Phillips Petroleum Co
1. 80-20845/01754
2. 35-093-21497-0000
3. 103 000 000
4. Resources Investment Corp
5. Ratzlaff #1
6. NW Okeene
7. Major, OK
8. 48.0 million cubic feet
9. March 17, 1980
10. Phillips Petroleum Co
1. 80-20846/01766
2. 35-045-20737-0000
3. 103 000 000
4. Jordan Oil & Gas Co
5. Mason No 2
6. Gage SW
7. Ellis, OK
8. 182.0 million cubic feet
9. March 17, 1980
10. Northern Natural Co
1. 80-20847/01770
2. 35-047-00000-0000
3. 103 000 000
4. Henry H Gungoll Associates
5. Lange #1-7
6. West Convington
7. Garfield, OK
8. 100.0 million cubic feet
9. March 17, 1980
10. Arco Oil & Gas Co
1. 80-20848/00618
2. 35-109-00000-0000
3. 108 000 000
4. B & D Oil Co
5. Bierschenk 07210
6. West Edmond
7. Oklahoma, OK
8. .0 million cubic feet
9. March 17, 1980
10. The Swab Corp
1. 80-20849/00939
2. 35-025-20329-0000
3. 103 000 000
4. Texaco Inc
5. G N Dencker No 2
6. Griggs SE
7. Cimarron, OK
8. 47.0 million cubic feet
9. March 17, 1980
10. Transwestern Pipeline Co
1. 80-20850/01071
2. 35-017-21081-0000
3. 103 000 000
4. Phillips Petroleum Co
5. Wagner-A #1
6. Yukon
7. Canadian, OK
8. 38.0 million cubic feet
9. March 17, 1980
- 10.
1. 80-20851/01314
2. 35-007-36000-0000
3. 108 000 000

4. Kaiser Francis Oil Co
5. State Wheeler #1
6. Mocane-Laverne
7. Beaver, OK
8. 16.0 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipe Line Co Michigan Wisconsin Pipeline Co
1. 80-20852/01843
2. 35-047-21663-0000
3. 103 000 000
4. Geodyne Resources Inc
5. Simpson #11-2
6. N E Enid
7. Garfield, OK
8. 56.4 million cubic feet
9. March 17, 1980
10. Champlin Petroleum Co
1. 80-20853/01846
2. 35-047-21649-0000
3. 103 000 000
4. Geodyne Resources Inc
5. Simpson #11-1
6. N E Enid
7. Garfield, OK
8. 61.5 million cubic feet
9. March 17, 1980
10. Champlin Petroleum Co
1. 80-20854/03448
2. 35-073-00000-0000
3. 108 000 000
4. Harper Oil Co
5. Richards 1 (Meramer)
6. Dover-Hennessey
7. Kingfisher, OK
8. 11.0 million cubic feet
9. March 17, 1980
10. Exxon Co USA
1. 80-20855/02013
2. 35-007-21414-0000
3. 103 000 000
4. Wm Gruenerwald & Assoc Inc
5. Brauer #1 32726
6. Camrick
7. Beaver, OK
8. 180.0 million cubic feet
9. March 17, 1980
10. Northern Natural Gas Co
1. 80-20856/01547
2. 35-109-00000-0000
3. 108 000 000
4. Harper Oil Co
5. Potter 2
6. E Edmond
7. Oklahoma, OK
8. 1.0 million cubic feet
9. March 17, 1980
10. Champlin Petroleum Co Oklahoma Natural Gas Co Cities Service Gas Co
1. 80-20857/01573
2. 35-139-20183-0000
3. 108 000 000
4. Harper Oil Co
5. Carl 1
6. E Thomas
7. Custer, OK
8. 7.0 million cubic feet
9. March 17, 1980
10. Oklahoma Gas & Electric Co
1. 80-20858/01643
2. 35-073-00000-0000
3. 108 000 000
4. Harper Oil Co
5. Oltmanns 1
6. N W Columbia
7. Kingfisher, OK
8. 4.0 million cubic feet
9. March 17, 1980
10. Mustang Fuel Corp
1. 80-20859/01687
2. 35-073-00000-0000
3. 108 000 000
4. Harper Oil Co
5. Richards 2
6. Dover Hennessey
7. Kingfisher, OK
8. 3.0 million cubic feet
9. March 17, 1980
10. Exxon Co USA
1. 80-20860/01812
2. 35-047-21488-0000
3. 103 000 000
4. Seely Oil Co
5. Rikli #1 047 02195-1
6. Sooner Trend
7. Garfield, OK
8. 36.5 million cubic feet
9. March 17, 1980
10. Union Texas Petroleum
1. 80-20861/01805
2. 35-047-00000-0000
3. 103 000 000
4. Jet Oil Co
5. Christensen #1
6. Sooner Trend
7. Garfield, OK
8. 48.0 million cubic feet
9. March 17, 1980
10. Union Texas Petroleum Oklahoma Gas & Electric Co
1. 80-20862/01657
2. 35-073-20539-0000
3. 108 000 000
4. Harper Oil Co
5. Alta 1
6. Sooner Trend
7. Kingfisher, OK
8. 4.0 million cubic feet
9. March 17, 1980
10. Phillips Petroleum Co
1. 80-20863/01769
2. 35-045-00009-0000
3. 108 000 000
4. Singer-Fleishchaker Oil Operating Co
5. Schoenhals #1
6. Goodwin South
7. Ellis, OK
8. 13.0 million cubic feet
9. March 17, 1980
10. Transwestern Pipeline Co
1. 80-20864/01806
2. 35-047-21587-0000
3. 103 000 000
4. Andover Oil Co
5. Pedro Horney #22-1
6. Sooner Trend
7. Garfield, OK
8. 20.0 million cubic feet
9. March 17, 1980
10. Cities Service Gas Co
1. 80-20865/01808
2. 35-047-21615-0000
3. 108 000 000
4. An-Son Corp
5. Rodenberg #1
- 6.
7. Garfield, OK
8. 15.0 million cubic feet
9. March 17, 1980
10. Union Texas Petroleum
1. 80-20866/01828
2. 35-039-00000-0000
3. 108 000 000
4. Entex Petroleum Inc
5. Jarvis No 1
6. Ringwood
7. Major, OK
8. 5.0 million cubic feet
9. March 17, 1980
10. Ong Gathering Corp Pioneer Gas Products Co
1. 80-20867/01838
2. 35-045-20308-0000
3. 108 000 000
4. Jones & Pellow Oil Co
5. Hamaker 26-1
6. South Fargo
7. Ellis, OK
8. 4.0 million cubic feet
9. March 17, 1980
10. Northern Natural Gas Co
1. 80-20868/01807
2. 35-047-21562-0000
3. 103 000 000
4. Andover Oil Co
5. Kenneth Hoisington #22-1
6. Sooner Trend
7. Garfield OK
8. 100.0 million cubic feet
9. March 17, 1980
10. Cities Service Gas Co
1. 80-20869/01811
2. 35-047-21476-0000
3. 103 000 000
4. Seely Oil Co
5. Cromwell #1 047 02193-1
6. Sooner Trend
7. Garfield OK
8. 36.5 million cubic feet
9. March 17, 1980
10. Union Texas Petroleum
1. 80-20870/01809
2. 35-047-00000-0000
3. 103 000 000
4. Perry Oil Co
5. Helen No 2
6. Sooner Trend
7. Garfield OK
8. 36.5 million cubic feet
9. March 17, 1980
10. Union Texas Petroleum
1. 80-20871/01814
2. 35-093-21326-0000
3. 103 000 000
4. Andover Oil Co
5. J R & R L Maxey #24-1
6. Sooner Trend
7. Major OK
8. 30.0 million cubic feet
9. March 17, 1980
10. Cities Service Gas Co
1. 80-20872/01815
2. 35-098-21327-0000
3. 103 000 000
4. Andover Oil Co
5. Wm L Summers #25-1
6. Sooner Trend
7. Major OK
8. 100.0 million cubic feet
9. March 17, 1980
10. Cities Service Gas Co
1. 80-20873/03453
2. 35-137-00000-0000
3. 108 000 000
4. Tenneco Oil Co

5. Hattie Harrell #2
6. Doyle
7. Stephens OK
8. 5.3 million cubic feet
9. March 17, 1980
10. Aminoil USA Inc
1. 80-20874/01536
2. 35-109-00000-0000
3. 108 000 000
4. Harper Oil Co
5. Maher B-1
6. Witcher
7. Oklahoma OK
8. 1.0 million cubic feet
9. March 17, 1980
10. Champlin Petroleum Co
1. 80-20875/01544
2. 35-109-00000-0000
3. 108 000 000
4. Harper Oil Co
5. School Land 1
6. North Higbee
7. Oklahoma OK
8. 12.0 million cubic feet
9. March 17, 1980
10. Champlin Petroleum Co (process).
Oklahoma Natural Gas Co, Cities Service
Gas Co
1. 80-20876/01544
2. 35-017-00000-0000
3. 108 000 000
4. Natomas North America Inc
5. Carnott No 1
6. Calumet N E
7. Canadian OK
8. 10.0 million cubic feet
9. March 17, 1980
10. Delhi Gas Pipeline Co
1. 80-20877/01524
2. 35-017-21000-0000
3. 103 000 000
4. Phillips Petroleum Co
5. Bollinger A #1-26
6. S El Reno
7. Canadian OK
8. .0 million cubic feet
9. March 17, 1980
10. Transok Pipeline Co
1. 80-20878/01514
2. 35-027-00025-0000
3. 108 000 000
4. Singer-Fleischaker Oil Operating Co
5. Polk #1
6. S W Clothier
7. Cleveland OK
8. 11.0 million cubic feet
9. March 17, 1980
10. Sun Oil Co
1. 80-20879/01611
2. 35-083-20161-0000
3. 108 000 000
4. Entex Petroleum Inc
5. Bryan No 1
6. West Lawrie
7. Logan OK
8. 11.0 million cubic feet
9. March 17, 1980
10. Eason Oil Co
1. 80-20880/01610
2. 35-083-20088-0000
3. 108 000 000
4. Entex Petroleum Inc
5. Jones No 1
6. West Lawrie
7. Logan OK
8. 3.0 million cubic feet
9. March 17, 1980
10. Eason Oil Co
1. 80-20881/01609
2. 35-083-32043-0000
3. 108 000 000
4. Entex Petroleum Inc
5. Brown Unit No 3
6. West Lawrie
7. Logan OK
8. 21.0 million cubic feet
9. March 17, 1980
10. Eason Oil Co
1. 80-20882/01732
2. 35-047-21591-0000
3. 103 000 000
4. Clifford Resources Inc
5. Herrin #1
6. Sooner Trend
7. Garfield OK
8. 45.0 million cubic feet
9. March 17, 1980
10. Oklahoma Gas & Electric Co
1. 80-20883/01543
2. 35-129-20308-0000
3. 102 000 000
4. Apache Corp
5. Sprowls #1-25
6. South Strong City
7. Roger Mills OK
8. 365.0 million cubic feet
9. March 17, 1980
10. El Paso Natural Gas Co
1. 80-20884/01655
2. 35-073-20245-0000
3. 108 000 000
4. Harper Oil Co
5. Seiber 1
6. Sooner Trend
7. Kingfisher OK
8. 4.0 million cubic feet
9. March 17, 1980
10. Phillips Petroleum Co
1. 80-20885/01634
2. 35-045-20094-0000
3. 108 000 000
4. Amerada Hess Corp
5. James Berryman Unit I No 1
6. Peek South
7. Ellis OK
8. 4.1 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipeline Co
1. 80-20886/01614
2. 35-083-20165-0000
3. 108 000 000
4. Entex Petroleum Inc
5. Paul No 1
6. West Lawrie
7. Logan OK
8. 4.0 million cubic feet
9. March 17, 1980
10. Eason Oil Co
1. 80-20887/01613
2. 35-083-20789-0000
3. 108 000 000
4. Entex Petroleum Inc
5. Jones No 2
6. West Lawrie
7. Logan OK
8. 21.0 million cubic feet
9. March 17, 1980
10. Eason Oil Co
1. 80-20888/01558
2. 35-129-20245-0000
3. 102 000 000
4. Helmerich & Payne Inc
5. State No 1-33
6. West Cheyenne
7. Roger Mills County OK
8. 480.0 million cubic feet
9. March 17, 1980
10. Michigan Wisconsin Pipe Line Company,
El Paso Natural Gas Co
1. 80-20889/01612
2. 35-083-20109-0000
3. 108 000 000
4. Entex Petroleum Inc
5. Chambers No 1
6. West Lawrie
7. Logan OK
8. 5.0 million cubic feet
9. March 17, 1980
10. Eason Oil Co
1. 80-20890/01804
2. 35-047-21522-0000
3. 103 000 000
4. Seely Oil Co
5. Harry Baker #1 047 54102
6. Sooner Trend
7. Garfield OK
8. 86.5 million cubic feet
9. March 17, 1980
10. Exxon Corp
1. 80-20891/01803
2. 35-047-21543-0000
3. 103 000 000
4. Seely Oil Co
5. Moravec B #1 047 54866
6. Sooner Trend
7. Garfield OK
8. 130.0 million cubic feet
9. March 17, 1980
10. Exxon Corp
1. 80-20892/01542
2. 35-129-20317-0000
3. 102 000 000
4. Apache Corp
5. State #1-32
6. South Strong City
7. Roger Mills OK
8. 1095.0 million cubic feet
9. March 17, 1980
10. El Paso Natural Gas Co
1. 80-20893/01540
2. 35-129-20262-0000
3. 102 000 000
4. Apache Corp
5. Evans #1-30
6. South Strong City
7. Roger Mills OK
8. .0 million cubic feet
9. March 17, 1980
10. El Paso Natural Gas Co
1. 80-20894/01504
2. 35-027-00000-0000
3. 103 000 000
4. L O Ward
5. Ludeman #1
6. N W Norman
7. Cleveland OK
8. 50.0 million cubic feet
9. March 17, 1980
10. Cities Service Gas Co
1. 80-20895/01501
2. 35-009-20124-0000
3. 108 000 000
4. Harper Oil Co
5. Pennington 2

6. South Erick
7. Beckham OK
8. .0 million cubic feet
9. March 17, 1980
10. El Paso Natural Gas Co
1. 80-20896/01311
2. 35-007-00000-0000
3. 108 000 000
4. Kaiser-Francis Oil Co
5. Floyd Dyer 1-29
6. Mocane
7. Beaver OK
8. 9.0 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipe Line, Michigan Wisconsin Pipe Line Co
1. 80-20897/00430
2. 35-009-35575-0000
3. 108 000 000
4. El Paso Natural Gas Co
5. Smith B #2
6. Erick South (Brown Dolomite)
7. Beckham OK
8. 56.0 million cubic feet
9. March 17, 1980
10. El Paso Natural Gas Co
1. 80-20898/02386
2. 35-119-00000-0000
3. 103 000 000
4. Rick Buck
5. Sylvia #1-29
6. Wildcat
7. Payne, OK
8. .0 million cubic feet
9. March 17, 1980
10. Colorado Gas Compression Inc Cities Service Gas Co
1. 80-20899/01629
2. 35-043-20259-0000
3. 108 000 000
4. Texas Oil & Gas Corp
5. State 16-1
6. S W. Taloga
7. Dewey, OK
8. 5.4 million cubic feet
9. March 17, 1980
10. Delhi Gas Pipeline Corp
1. 80-20900/01632
2. 35-043-20231-0000
3. 108 000 000
4. Texas Oil & Gas Corp
5. Stephensen A #1
6. S W Taloga
7. Dewey, OK
8. 2.7 million cubic feet
9. March 17, 1980
10. Delhi Gas Pipeline Corp
1. 80-20901/01677
2. 35-043-20278-0000
3. 108 000 000
4. Texas Oil & Gas Corp
5. Dedrick #1
6. S Taloga
7. Dewey, OK
8. 3.3 million cubic feet
9. March 17, 1980
10. Delhi Gas Pipeline Corp
1. 80-20902/02110
2. 35-119-20937-0000
3. 103 000 000
4. Altman Operating Co
5. State 1-16
6. Northwest Ingalls
7. Payne, OK
8. 60.0 million cubic feet
9. March 17, 1980
10. Colorado Gas Compression Inc
1. 80-20903/01575
2. 35-039-20060-0000
3. 102 000 000
4. Lear Petroleum Corp
5. Morton No 1
6. S Aledo
7. Custer, OK
8. 90.0 million cubic feet
9. March 17, 1980
10. Arkansas Louisiana Gas Co
1. 80-20904/01299
2. 35-007-20893-0000
3. 108 000 000
4. Jet Oil Co
5. Hunt #1
6. Dombey
7. Beaver, OK
8. 15.0 million cubic feet
9. March 17, 1980
10. Kansas-Nebraska Natural Gas Co
1. 80-20905/01320
2. 35-007-36580-0000
3. 108 000 000
4. J M Huber Corp
5. Wallace No 1
6. Light
7. Beaver, OK
8. 14.6 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-20906/01322
2. 35-007-20962-0000
3. 108 000 000
4. Jet Oil Co
5. Clapp #1
6. Mocane-Laverne
7. Beaver, OK
8. 10.0 million cubic feet
9. March 17, 1980
10. Northern Natural Gas Co Michigan Wisconsin Pipe Line Co
1. 80-20907/01321
2. 35-007-00010-0000
3. 108 000 000
4. J M Huber Corp
5. Light B No 1
6. Light
7. Beaver, OK
8. 16.4 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-20908/01378
2. 35-081-00000-0000
3. 108 000 000
4. J O Fair
5. Powers #1
- 6.
7. Lincoln, OK
8. 6.0 million cubic feet
9. March 17, 1980
10. Charles Nesbitt-Trustee
1. 80-20909/01383
2. 35-081-00000-0000
3. 108 000 000
4. J O Fair
5. Matheson #1
- 6.
7. Lincoln, OK
8. 13.0 million cubic feet
9. March 17, 1980
10. Charles Nesbitt-Trustee
1. 80-20910/01385
2. 35-081-00000-0000
3. 108 000 000
4. J O Fair
5. M Smith #1
- 6.
7. Lincoln, OK
8. 16.0 million cubic feet
9. March 17, 1980
10. Charles Nesbitt-Trustee
1. 80-20911/02063
2. 35-063-20766-0000
3. 103 000 000
4. W D Newsom and Associates
5. Meadors No 1-23
6. West Wetumka
7. Hughes, OK
8. 216.0 million cubic feet
9. March 17, 1980
10. Public Service Co of Oklahoma
1. 80-20912/01386
2. 35-081-00000-0000
3. 108 000 000
4. J O Fair
5. Evelyn Opfell #1
- 6.
7. Lincoln, OK
8. 6.0 million cubic feet
9. March 17, 1980
10. Meridian Energy Inc
1. 80-20913/02062
2. 35-063-20767-0000
3. 103 000 000
4. W D Newsom and Associates
5. Meadors No 2-23
6. West Furhman
7. Hughes, OK
8. 216.0 million cubic feet
9. March 17, 1980
10. Public Service Co of Oklahoma
1. 80-20914/01968
2. 35-151-20755-0000
3. 103 000 000
4. Shenandoah Oil Corp
5. London A No 1
6. Freedom S E
7. Woods, OK
8. 59.0 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipeline Co
1. 80-20915/01919
2. 35-093-21463-0000
3. 103 000 000
4. Clifford Resources Inc
5. Kelsey No 1
6. East Campbell
7. Major, OK
8. 120.0 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-20916/01854
2. 35-093-20820-0000
3. 108 000 000
4. Kaiser Francis Oil Co
5. Billings #1
6. Ringwood
7. Major, OK
8. 9.0 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-20917/01245
2. 35-137-03700-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Quinn No 4
6. Velma

7. Stephens, OK
8. 3.0 million cubic feet
9. March 17, 1980
10. Getty Oil Co
1. 80-20918/01759
2. 35-093-21377-0000
3. 103 000 000
4. Seneca Oil Co
5. Speece #1
6. Dane
7. Major, OK
8. 182.0 million cubic feet
9. March 17, 1980
- 10.
1. 80-20919/01244
2. 35-137-03868-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Quinn No 9
6. Velma
7. Stephens, OK
8. 1.3 million cubic feet
9. March 17, 1980
10. Getty Oil Co
1. 80-20920/01243
2. 35-137-03687-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Quinn No 10
6. Velma
7. Stephens, OK
8. 7.2 million cubic feet
9. March 17, 1980
10. Getty Oil Co
1. 80-20921/01241
2. 35-137-03658-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Willie No 3
6. Velma
7. Stephens, OK
8. .7 million cubic feet
9. March 17, 1980
10. Getty Oil Co
1. 80-20922/01242
2. 35-137-03660-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Willie No 7
6. Velma
7. Stephens, OK
8. 3.7 million cubic feet
9. March 17, 1980
10. Getty Oil Co
1. 80-20923/00873
2. 35-093-21525-0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Davis D No 1
6. S Fairview
7. Major, OK
8. 46.0 million cubic feet
9. March 17, 1980
- 10.
1. 80-20924/01870
2. 35-047-21748-0000
3. 103 000 000
4. Champlin Petroleum Co
5. State School #8
6. N E Enid
7. Garfield, OK
8. 55.0 million cubic feet
9. March 17, 1980
10. Cities Service Gas Co
1. 80-20925/01518
2. 35-051-12076-3000
3. 102 000 000
4. Trigg Drilling Co Inc
5. Mason No 1
6. Union City
7. Grady, OK
8. 145.0 million cubic feet
9. March 17, 1980
10. Public Service Company
1. 80-20926/01841
2. 35-047-21458-0000
3. 103 000 000
4. Vulcan Energy Corp
5. Lang #1
6. Enid NE
7. Garfield, OK
8. 63.9 million cubic feet
9. March 17, 1980
10. Champlin Petroleum Co
1. 80-20927/02355
2. 35-053-20447-0000
3. 103 000 000
4. Wessely Exploration Inc
5. Rice Unit #1
6. Wakita Trend
7. Grant, OK
8. 100.0 million cubic feet
9. March 17, 1980
10. Cities Service Gas Co
1. 80-20928/02350
2. 35-047-21635-0000
3. 103 000 000
4. Jefferson-Williams Energy Corp
5. Carl Ford #2-a
6. Garber
7. Garfield, OK
8. 110.0 million cubic feet
9. March 17, 1980
10. Atlantic Richfield Co
1. 80-20929/02338
2. 35-045-20666-0000
3. 103 000 000
4. Natomas North America Inc
5. Dunn 2-A
6. N W Crawford
7. Ellis, OK
8. 100.0 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-20930/02382
2. 35-007-0000-0000
3. 103 000 000
4. Montgomery Exploration Co
5. Fickel #2
6. Section 2-3N-24ECM
7. Beaver, OK
8. 120.0 million cubic feet
9. March 17, 1980
10. Colorado Interstate Gas Co Northern Natural Gas Co
1. 80-20931/01801
2. 35-047-21605-0000
3. 103 000 000
4. Jet Oil Co
5. Waukomis-State #1
6. Sooner Trend
7. Garfield, OK
8. 40.0 million cubic feet
9. March 17, 1980
10. Union Texas Petroleum Oklahoma Gas & Electric Co
1. 80-20932/01900
2. 35-093-21276-0000
3. 103 000 000
4. Jet Oil Co
5. Ryel #1
6. Ringwood
7. Major, OK
8. 15.0 million cubic feet
9. March 17, 1980
10. Union Texas Petroleum Oklahoma Gas & Electric Co
1. 80-20933/02354
2. 35-059-20675-0000
3. 103 000 000
4. May Petroleum Inc
5. Clark No 1-28
6. Lovedale (NW Salt Springs Prospect)
7. Harper, OK
8. 220.0 million cubic feet
9. March 17, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80-20934/02188
2. 35-043-21962-0000
3. 103 000 000
4. Ricks Exploration Co
5. Crosswhite 27-A
6. Lacy E
7. Kingfisher, OK
8. 216.0 million cubic feet
9. March 17, 1980
10. Phillips Petroleum Co
1. 80-20935/02295
2. 35-121-20469-0000
3. 103 000 000
4. Public Service Co of Oklahoma
5. Houser #1-11
6. Reams NW
7. Pittsburg, OK
8. 600.0 million cubic feet
9. March 17, 1980
10. Transok Pipe Line Company
1. 80-20936/02293
2. 35-007-21457-0000
3. 103 000 000
4. Oil & Gas Production Co
5. Light K No 1
- 6.
7. Beaver, OK
8. 70.0 million cubic feet
9. March 17, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-20937/02274
2. 35-139-21071-0000
3. 103 000 000
4. Cabot Corp
5. Calvert #5
6. Lower Morrow
7. Texas, OK
8. 250.0 million cubic feet
9. March 17, 1980
10. Kokomo Gas and Fuel Co
1. 80-20938/02246
2. 35-059-20650-0000
3. 103 000 000
4. Cummings Oil Co
5. Hinthier 1-9
6. Kibby
7. Harper County, OK
8. 75.0 million cubic feet
9. March 17, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80-20939/02240
2. 35-003-47974-0000
3. 108 000 000
4. Ricks Exploration Co
5. Cushenberry #18-B
6. Dacoma N
7. Alfalfa, OK
8. 8.0 million cubic feet

9. March 17, 1980
10. Delhi Gas Pipeline Corp
1. 80-20940/02239
2. 35-003-20389-0000
3. 108 000 000
4. Ricks Exploration Co
5. Dawson #17-B
6. Dacoma NE
7. Alfalfa OK
8. 0 million cubic feet
9. March 17, 1980
10. Delhi Gas Pipeline Corp
1. 80-20941/02225
2. 35-003-20611-0000
3. 103 000 000
4. Ricks Exploration Co
5. Penner #4-A
6. Goltry S
7. Alfalfa, OK
8. 26.0 million cubic feet
9. March 17, 1980
10. Union Texas Petroleum
1. 80-20942/02038
2. 35-139-21162-0000
3. 102 000 000
4. Mobil Oil Corp
5. Fitzgerald (110) Unit—#2
6. Guymon Hugoton-Council Grove
7. Texas, OK
8. 200.0 million cubic feet
9. March 17, 1980
10. Cities Service Gas Co
1. 80-20943/01278
2. 35-007-21535-0000
3. 102 000 000
4. Natural Gas Anadarko Inc
5. Marvin-Jones #1-19
6. Mocane Morrow
7. Beaver, OK
8. 150.0 million cubic feet
9. March 17, 1980
10. Northern Natural Gas Co
1. 80-20944/01793
2. 35-047-21804-0000
3. 103 000 000
4. Jet Oil Co
5. Atherton #1
6. Sooner Trend
7. Garfield, OK
8. 12.0 million cubic feet
9. March 17, 1980
10. Union Texas Petroleum Oklahoma Gas & Electric Co
1. 80-20945/01860
2. 35-093-21336-0000
3. 103 000 000
4. Alan L. Lamb
5. Lambe-State 093-56506
6. Cedardale
7. Major, OK
8. 328.0 million cubic feet
9. March 17, 1980
10. Michigan Wisconsin Pipe Line Company
1. 80-20946/01861
2. 35-153-00000-0000
3. 108 000 000
4. Jones & Pellow Oil Co
5. Whitlaw #1
6. NW Quinlan
7. Woodward, OK
8. 8.0 million cubic feet
9. March 17, 1980
10. Northern Natural Gas Co
1. 80-20947/01862
2. 35-153-20255-0000
3. 108 000 000
4. Jones & Pellow Oil Co
5. Isaac Garvie #1
6. NE Cedardale
7. Woodward, OK
8. 10.0 million cubic feet
9. March 17, 1980
10. Northern Natural Gas Co
1. 80-20948/01864
2. 35-047-21343-0000
3. 103 000 000
4. Ketal Oil Producing Co
5. Enfield #2
6. West Barnes
7. Garfield, OK
8. 430.0 million cubic feet
9. March 17, 1980
10. Arkansas Louisiana Gas Company
1. 80-20949/01869
2. 35-047-21503-0000
3. 103 000 000
4. Geodyne Resources Inc
5. Petr 33-1
6. NE Enid
7. Garfield, OK
8. 25.3 million cubic feet
9. March 17, 1980
10. Champlin Petroleum Co
1. 80-20950/02290
2. 35-007-00000-0000
3. 108 000 000
4. Earl F Wakefield Inc
5. Maple #1-33
6. Mocane
7. Beaver, OK
8. 17.0 million cubic feet
9. March 17, 1980
10. Colorado Interstate Gas Co
1. 80-20951/02379
2. 35-047-00000-0000
3. 108 000 000
4. Barrett Drilling Co
5. Swarens No 1
- 6.
7. Garfield, OK
8. 12.0 million cubic feet
9. March 17, 1980
10. Exxon Corp
1. 80-20952/02378
2. 35-043-20935-0000
3. 103 000 000
4. Hanover Management Co
5. Drake #1-4
6. Sec 4 T18N R20W
7. Dewey, OK
8. 300.0 million cubic feet
9. March 17, 1980
10. Transwestern Pipeline Co
1. 80-20953/02377
2. 35-043-20866-0000
3. 103 000 000
4. Hanover Management Co
5. Moore #1-5
6. Sec 5 T18N R20W
7. Dewey, OK
8. 72.0 million cubic feet
9. March 17, 1980
10. Transwestern Pipeline Co
1. 80-20954/02374
2. 35-017-21197-0000
3. 103 000 000
4. Walker & Withrow Inc
5. Taylor #18-1
6. Yukon
7. Canadian, OK
8. 200.0 million cubic feet
9. March 17, 1980
10. Phillips Petroleum Co
1. 80-20955/02370
2. 35-081-00000-0000
3. 108 000 000
4. Lalta Petroleum Inc
5. Rogers No 1
6. N W Agra
7. Lincoln, OK
8. 3.0 million cubic feet
9. March 17, 1980
10. Colorado Gas Compression Inc
1. 80-20956/02375
2. 35-017-21111-0000
3. 103 000 000
4. Walker & Withrow Inc
5. Schroeder #35-1
6. NW Richland
7. Canadian, OK
8. .0 million cubic feet
9. March 17, 1980
10. Phillips Petroleum Co
1. 80-20824/01835
2. 35-093-00000-0000-1
3. 103 000 000
4. L O Ward
5. Oklahoma 1-13 (Miss Lime)
6. Dane
7. Major, OK
8. 25.0 million cubic feet
9. March 17, 1980
10. Phillips Petroleum Co
1. 80-16081/01552 (Revised)
2. 35-109-00000-0000
3. 108 Denied
4. Batco Oil
5. Harrison
6. West Edmond
7. Oklahoma, OK
8. 40.3 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Continental Oil Co
1. 80-16082/01658 (Revised)
2. 35-073-20456-0000
3. 108 Denied
4. Harper Oil Co
5. Firestone (M) 1 & (H)
6. Sooner Trend
7. Kingfisher, OK
8. 1.0 million cubic feet
9. February 20, 1980
10. Phillips Petroleum Co
1. 80-16083/01837 (Revised)
2. 35-153-20185-0000
3. 108 Denied
4. Leben Oil Corp
5. Phillips #1-7
6. N W Sharon
7. Woodward, OK
8. 19.0 million cubic feet
9. February 20, 1980
10. Northern Natural Gas Co
1. 80-16629/01768 (Revised)
2. 35-045-20729-0000
3. 102 103
4. Jordan Oil & Gas Co
5. Mason No 1
6. Gage S W
7. Ellis, OK
8. 182.0 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the commission's office of public information, room 1000, 825 North Capital Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the commission within fifteen (15) days of the date of publication of this notice in the **Federal Register**.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11937 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-85-M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621), signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the surcharge placed on the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) alternative fuel price ceilings and a high cost gas incremental pricing threshold. These data are effective May 1, 1980, and are to be used by natural gas suppliers to determine the maximum surcharges applicable to the passthrough of certain portions of natural gas acquisition costs.¹

For further information contact: Kenneth M. Levine, Energy Information Administration, Federal Building, 12th & Pa. Ave., N.W., Rm. 4121, Washington, D.C. 20461, (202) 633-9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, prices are shown for the 48 contiguous states. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State:	Dollars per million BTU's
Alabama.....	2.26
Arizona.....	2.08
Arkansas.....	2.43
California.....	2.27
Colorado.....	2.44
Connecticut.....	3.05
Delaware.....	3.00
Florida.....	2.31
Georgia.....	2.55
Idaho.....	2.44
Illinois.....	2.53
Indiana.....	2.60
Iowa.....	2.31
Kansas.....	2.26
Kentucky.....	2.81
Louisiana.....	2.23
Maine.....	3.13
Maryland.....	2.85
Massachusetts.....	2.74
Michigan.....	2.78
Minnesota.....	2.74
Mississippi.....	1.92
Missouri.....	1.96
Montana.....	2.06
Nebraska.....	2.47
Nevada.....	2.34
New Hampshire.....	3.21
New Jersey.....	2.76
New Mexico.....	2.14
New York.....	2.73
North Carolina.....	2.85
North Dakota.....	2.84
Ohio.....	2.78
Oklahoma.....	2.16
Oregon.....	2.83
Pennsylvania.....	2.80
Rhode Island.....	3.27
South Carolina.....	2.77
South Dakota.....	2.72
Tennessee.....	2.67
Texas.....	2.14
Utah.....	2.75
Vermont.....	3.16
Virginia.....	2.78
Washington.....	2.36
West Virginia.....	2.68
Wisconsin.....	2.70
Wyoming.....	1.94

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during February 1980 was \$32.91 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203 (a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective May 1, 1980, is \$7.38 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 51, issued in the same docket on the same date, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1980.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1% sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of December 1979, January 1980, and February 1980.³ All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of Weighted-Average Price*—The prices which will become effective May 1, 1980, (shown in Section I) are based on the volume weighted-average price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, December 1979, January 1980, and February 1980. Reported prices for sales in December 1979 were adjusted by the percent change in the nationwide volume-weighted average price from December to February. Prices for January 1980 were similarly adjusted by the percent change in the nationwide volume-weighted average price from January to February. The volume-weighted 3 month average of the adjusted December 1979 and January 1980 and the reported February 1980 prices was then computed for each State.

(2) *Adjustment for Price Variation*—States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3 month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3 month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for

¹ FERC Order No. 49, September 28, 1979; Docket No. RM79-14.

³ Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

the region to form the adjusted-weighted average price for the State.

(3) *Calculation of Ceiling Prices*—The lowest selling price within the State was determined for each month of the 3 month period and adjusted up or down by the percent change in oil prices at the national level (as was done to adjust the volume-weighted average price for each State, as discussed in section III.B.(1) above). The products of the adjusted low price for each month times the reported sales volume for each month were summed over the 3 month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted-average price was compared to this average low price, and the higher of the values was selected as the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3 month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) *Lag Adjustment*—The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national lag adjustment factor. The lag adjustment factor was obtained by calculating a weighted-average price for No. 6 high sulfur residual fuel oil for the trading day April 11, 1980, and dividing that price by the corresponding weighted average price published by *Platt's* for the month of February 1980. The lag adjustment factor was then applied to the alternative fuel price ceiling for each State as calculated in Section III.B.3.

C. Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
Region B: Delaware, Maryland, New Jersey, New York, Pennsylvania.
Region C: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.
Region D: Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, Wisconsin.
Region E: Iowa, Kansas, Missouri, Minnesota, Nebraska, North Dakota, South Dakota.
Region F: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
Region G: Colorado, Idaho, Montana, Utah, Wyoming.
Region H: Arizona, California, Nevada, Oregon, Washington.

Issued in Washington, D.C. on April 16, 1980.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 80-12053 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreements for Cooperation Between the Government of the United States of America and the Governments of Australia, Austria, and Japan.

The subsequent arrangements to be carried out under the above mentioned agreements involves approval of the following sales and retransfers:

Contract S-AU-100, United States to Australia, 50 micrograms of thorium, enriched to greater than 99% in Th-229, to be used for radiochemical tracer for environmental analyses.

Contract S-EU-641, United States to the United Kingdom, 84.7 grams of normal uranium as ore, and 749.8 grams of depleted uranium as metal, to be used for calibration of equipment.

RTD/AT(EU)-55, retransfer from Belgium to Austria, 100 milligrams of uranium enriched to 3% U-235, and 0.5 milligrams of plutonium, to be used to determine the uncertainty of analytical measurements of uranium and plutonium isotopes.

RTD/JA(EU)-19, retransfer from Belgium to the Power Reactor and Nuclear Fuel Development Corp., Japan, 100 milligrams of uranium enriched to

3% U-235, and 0.5 milligrams of plutonium, to be used to determine the uncertainty of analytical measurements of uranium and plutonium isotopes.

RTD/JA(EU)-20, retransfer from Belgium to the Tokai Research Establishment, Japan, 100 milligrams of uranium enriched to 3% U-235, and 0.5 milligrams of plutonium, to be used to determine the uncertainty of analytical measurements of uranium and plutonium isotopes.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials and approval of these retransfers will not be inimical to the common defense and security. These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: April 15, 1980

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11994 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-014-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Canada.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

S-CA-288, to Scintrex, Ltd., Ontario, Canada, 606.9 grams of natural uranium as ore, to be used as reference material for calibration of equipment

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: April 15, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11995 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Biomass Panel of the Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Biomass Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770).

Date and time: May 9, 1980—9:00 a.m. to 4:30 p.m.

Place: Department of Energy, Forrestal Building, Room 6A-110, 1000 Independence Avenue, S.W., Washington, D.C. 20585

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building—Room GE-216, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202/252-8933.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department. The Biomass Panel will make recommendations to the parent Board.

Tentative Agenda:—Organizational Matters, Discussion of Terms of Reference, Overview of DOE Biomass Program.

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Request must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairpersons of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on April 8, 1980.

Edward A. Frieman,
Director of Energy Research.

[FR Doc. 80-11925 Filed 4-17-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-1466-7]

Inventory Reporting; Statement of Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice sets forth EPA's policy regarding late submissions for the Inventory of Chemical Substances compiled under the authority of sections 8 (a) and (b) of the Toxic Substances Control Act (TSCA). Effective May 19, 1980, the Agency will no longer accept reports for inclusion in the Inventory of chemical substances manufactured in the United States or imported in bulk. As of that date, the manufacturer of a chemical substance must comply with the premanufacture notification requirements of section 5 of TSCA if the substance was manufactured in the United States or imported in bulk prior to July 1, 1979 and has not been reported to the Agency under the Inventory reporting regulations.

DATE: The effective date of this policy is May 19, 1980.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS-799), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Toll Free: (800-424-9065), In Washington, D.C. (554-1404).

SUPPLEMENTARY INFORMATION: Section 8(b) of the Toxic Substances Control Act (TSCA) (90 Stat. 2003; 15 U.S.C. 2601 et seq.) requires EPA to compile, keep current, and publish a list of chemical substances manufactured, imported or processed in the United States for a commercial purpose. EPA promulgated the Inventory reporting regulations (40 CFR Part 710) under the authority of sections 8 (a) and (b) of TSCA and published them in the *Federal Register* on December 23, 1977 (42 FR 64572). The Agency published clarifications of these regulations in the *Federal Register* of March 6, 1978 (43 FR 9254), April 17, 1978 (43 FR 16178), and May 15, 1979 (44 FR 28558) to implement the Initial and Revised Inventory reporting schemes.

Section 710.6 of the Inventory reporting regulations established a two-phase reporting schedule designed to prevent duplicative reporting. During the initial reporting period, domestic manufacturers of chemical substances, and importers of substances in bulk had to report eligible substances by May 1, 1978. All reports concerning chemical substances manufactured, or imported in bulk, for the first time between May 1, 1978 and 30 days after publication of the Initial Inventory had to be reported when manufacturing or importing began.

A second or Revised Inventory reporting period began upon publication of the Initial Inventory on June 1, 1979 and extended through December 31, 1979. Eligibility for reporting during this period was limited to persons who

processed or used a chemical substance for a commercial purpose since January 1, 1975 and to persons who imported a chemical substance as part of a mixture or article for a commercial purpose since January 1, 1975. Persons who processed, used or imported a substance as part of a mixture or article for the first time after December 31, 1979 are allowed to report until 30 days after publication of the Revised Inventory.

Starting on July 1, 1979, all persons who intended to manufacture, or import in bulk, a chemical substance not reported for the Initial Inventory became subject to the premanufacture notification requirements of section 5(a)(1)(A) of TSCA. On May 15, 1979, EPA published a Statement of Interim Policy (44 FR 28564) concerning submission of PMN's ending promulgation of the final premanufacture notification rules and notice forms.

Also on May 15, 1979, the Agency published a Notice of Availability of the Initial Inventory (44 FR 28558). That notice states that there is no requirement that EPA give the industry an opportunity to review and correct the Inventory before the premanufacture notification requirements are activated (44 FR 28563). However, the notice did allow manufacturers and importers to report substances during the 30-day period before premanufacture notification began if the companies had inadvertently overlooked them during earlier Inventory reporting. The notice also allowed reporting after July 1, 1979 for substances that had been reported but that did not appear on the Initial Inventory due to EPA error.

In spite of EPA's statement that substances not on the Initial Inventory by July 1, 1979 are subject to the premanufacture notification requirements, the Agency has continued to receive late Inventory Submissions after that date from manufacturers and importers. Assuming that there would be a small and ever decreasing volume of late submissions, EPA initially adopted an enforcement policy toward late submissions that was more lenient than the policy state in the May 15, 1979 notice. EPA has held late reports regarding substances they did not know to be eligible for the Inventory, pending the outcome of investigations into their eligibility for inclusion in the Initial Inventory. EPA has added substances to the Inventory if the Agency determines that they would have been eligible if reported on time, although appropriate enforcement actions are taken for the late reporting. EPA has not added substances to the Inventory that the

Agency determines would not have been eligible for inclusion even if reported on time.

Termination of Late Reporting by Manufacturers of Chemical Substances and by Importers of Substances in Bulk

EPA has decided that sufficient time has been allotted for reporting chemical substances overlooked during the Initial Inventory reporting period. Therefore, effective May 19, 1980, the Agency no longer will accept late Inventory reports from manufacturers, and from importers in bulk. After that date any chemical substance manufactured in the United States, and any substance imported in bulk, that has not been reported for the Inventory is subject to section 5 of the TSCA. Section 5 requires that manufacturers and importers must submit a premanufacture notice at least 90 days before manufacturing or importation commences.

This cutoff applies solely to late reporting by manufacturers of chemical substances in the United States and by importers of substances in bulk. The cutoff does not affect persons reporting for the Revised Inventory substances that they process, or import as part of mixtures or articles, for the first time after December 31, 1979.

EPA's Office of Enforcement will strictly enforce this deadline, and will assess penalties under section 16 of TSCA against any person found to be in violation of the statutory and regulatory requirements of TSCA concerning premanufacture notification.

Dated: April 14, 1980.

Steven D. Jellinek,
Assistant Administrator for Pesticides and
Toxic Substances.

[FR Doc. 80-11988 Filed 4-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1466-2; OPP-180425]

Michigan, Rhode Island, and Washington State; Specific Exemptions To Use Triforine To Control Mummyberry on Blueberries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued specific exemptions to the Michigan and Washington State Departments of Agriculture and the Rhode Island Department of Environmental Management (hereafter referred to by State individually or as the "Applicants" collectively) to use triforine (Funginex EC) to control mummyberry on 3,000 acres of blueberries in Michigan, 40 acres in Rhode Island, and 700 acres in

Washington. These specific exemptions were issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemptions expire on July 30, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767), Room E-124, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION:

Mummyberry is caused by the fungus *Monilinia vaccinii corymbosi*. Primary infection by ascospores takes place early in the spring just as the leaf and flower buds begin to grow. These ascospores are released from spore cups that develop from mummified fruit. Spore cup emergence coincides with the emergence of the young susceptible tissues of the plant.

Mummies are a result of the disease from the previous crop and have overwintered on or near the surface of the soil beneath the bushes. Infected blossoms and leaves turn brown and wither as a result of the these primary infections. The fungus then produces a second spore type on these infected tissues. These are blown onto remaining blossoms where secondary infection takes place on the developing pistil of the flowers. These flower infections remain undetected until the fruit begins to enlarge. The infected fruit turns off-color and usually drops to the ground before health berries mature. These mummified fruits persist through the winter and act as a source of the fungus for the primary infection the following spring.

Currently there are four fungicides registered for the control of the primary infection stage: benomyl, captan, ferbam, and ziram. The Applicants submitted data which indicated that these fungicides are relatively ineffective in controlling primary infections of this disease. Cultural practices have also not been successful in commercial planting. However, triforine (N,N-[1,4-piperazinediylbis (2,2,2-trichloroethylidene)]-bis-[formamide]) appeared to be efficacious in suppressing this pathogen. Triforine is registered in the United States under the trade name Funginex EC. It was estimated by Michigan that economic loss from shoot damage and fruit loss might be as much as \$575,000 in that State; by Rhode Island that losses could reach a value of \$8,610, and by Washington that losses could reach a value of \$600,000 in that State, if an effective fungicide was not available this growing season.

Michigan proposed to use Funginex EC at a maximum rate per acre of 0.316 pound active ingredient (a.i.) for four applications and 0.2 lb. a.i. for a fifth application. Michigan proposed to treat up to 3,000 acres of blueberries in Allegan, Berrien, Genesee, Lapeer, Muskegon, Ottawa, Saginaw, and Van Buren Counties. Rhode Island proposed to make three applications with Funginex EC at a maximum rate of 0.316 lb. a.i. on 40 acres of blueberries in Rhode Island. Washington proposed to make a maximum of five applications on 700 acres of blueberries west of the crest of the Cascade Mountains at a maximum rate of 0.316 lb. a.i. per acre.

EPA has determined that residues of triforine in or on blueberries from this use should not exceed 0.1 part per million (ppm). This level has been deemed adequate to protect the public health. Based on the low toxicity, short half-life, and low application rate, no serious hazards to fish and wildlife are expected.

After reviewing the applications and other available information, EPA has determined that (a) pest outbreaks of *Monilinia mummyberry* are likely to occur this year on blueberries in Michigan, Rhode Island, and Washington; (b) there is no effective pesticide presently registered and available for use to control this pest in these States; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the pest is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicants have been granted specific exemptions to use the pesticide noted above until July 30, 1980, to the extent and in the manner set forth in the applications. The specific exemptions are subject to the following conditions:

1. The product Funginex EC, EPA Reg. No. 21137-4, may be applied. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;

2. The total acreage treated will not exceed 3,000 acres in Michigan, 40 acres in Rhode Island, and 700 acres in Washington;

3. Application rates:

a. In Michigan ground or aerial application may be made with minimum spray volumes of 5 gallons of water per acre by air and 20 gallons of water per acre by ground application. Triforine will be applied at a rate of 24 ozs. of formulation (0.316 lb. a.i.) per acre for four treatments and a fifth application

will be made at a rate of 16 ozs. formulation (0.2 lb. a.i.) per acre.

b. In Rhode Island ground application may be made at a rate of 24 ozs. formulation (0.316 lb. a.i.) in 20 to 50 gallons of water per acre.

c. In Washington triforine will be applied at a rate of 24 ozs. of formulation (0.316 lb. a.i.) in 100 gallons of water per acre or sufficient water for coverage by ground equipment. If applied by air, triforine will be used at a rate of 24 ozs. of formulation (0.316 lb. a.i.) in five gallons of water per acre;

4. Number of applications:

a. Michigan may make a maximum of five applications. The first application may be made at bud break; thereafter, applications will be made at 7-10 day intervals, with the last application between fifty percent bloom and early petal fall.

b. Rhode Island may make a maximum of three applications. The first application may be made at first growth. Thereafter, applications will be made at 7-10 day intervals.

c. Washington may make a maximum of five applications. The first application may be made at bud break; thereafter, applications will be made at 7-10 day intervals, with the last application at full bloom;

5. In Michigan, a maximum of 2,625 gallons Funginex (4,200 lbs. a.i.) may be used. In Rhode Island, a maximum of 23 gallons Funginex (38 lbs. a.i.) may be used. In Washington, a maximum of 650 gallons Funginex (1,050 lbs. a.i.) may be used;

6. If applied by aircraft, precautions will be taken to avoid or minimize spray drift to non-target areas;

7. A minimum of 40 days will elapse between the last application of triforine and harvest;

8. Applications of this pesticide will be made by State-licensed commercial applicators or State-certified private applicators. Information pertaining to timing, rates, and procedures in Michigan and Washington will be made available to the applicators through the respective University Extension Services;

9. Harvested blueberries with a triforine residue level not exceeding 0.1 ppm may enter into interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

10. All applicable directions, restrictions, and precautions on the product label must be followed;

11. The EPA will be immediately informed of any adverse effects resulting from the use of triforine in connection with these exemptions and;

12. The Applicants are each responsible for assuring that all of the provisions of their specific exemptions are met and Rhode Island and Washington must each submit a report summarizing the results of its program by October 30, 1980; Michigan must submit its report by January 30, 1981.

(Sec. 18, as amended, 92 Stat. 819; (7 U.S.C. 136))

Dated: April 14, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-11969 Filed 4-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1466-4; OPP-50415B]

Pennwalt Corp.; Amendment to Experimental Use Permit for 1-[2-(2-propenyloxy)ethyl]-1H-imidazole

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit to Pennwalt Corporation for use of the fungicide 1-[2-(2-propenyloxy)ethyl]-1H-imidazole on citrus to evaluate control of *Penicillium* mold, phomopsis stem-end rot, and diploia rot by extending the expiration date from March 12, 1980 to June 30, 1980 and by adding the restriction prohibiting the use of the fungicide on citrus for juice or other citrus byproducts.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Jacoby, Product Manager (PM) 21, Room E-305, Office of Pesticide Programs (TS-767), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202-755-2562.

SUPPLEMENTARY INFORMATION: On Tuesday, December 4, 1979 (44 FR 69726), information appeared pertaining to the issuance of an experimental use permit, No. 4581-EUP-31, to Pennwalt Corp., Monrovia, CA 91016, for the fungicide 1-[2-(2-propenyloxy)ethyl]-1H-imidazole on citrus fruit under provisions of the Federal Insecticide, Fungicide, and Rodenticide Act. At the request of the company, that permit has been amended. The experimental use permit is now effective from March 12, 1979 to June 30, 1980. The original expiration date was March 12, 1979. Furthermore, a limitation is added prohibiting the use of the fungicide on citrus being processed into juice or other citrus byproducts. The experimental use permit allows the use of the fungicide on citrus fruit to evaluate control of *Penicillium* green mold, *Penicillium* blue mold, phomopsis stem-end rot, and diploia rot. A total of 270 tons of citrus

is involved; the program is authorized in the States of Arizona, California, Florida, and Texas. A temporary tolerance for residues of the active ingredient has been established.

(Sec. 5, 92 Stat. 819, (7 U.S.C. 136))

Dated: April 11, 1980.

Reto Engler,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-11968 Filed 4-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1467-2]

Region II Office; PSD Non Applicability to General Electric Co.

Notice is hereby given that on January 30, 1980, the Environmental Protection Agency (EPA), Region II Office, issued a determination that the General Electric Company (GE) proposal to construct two new boilers at their Waterford, New York plant is not subject to the Prevention of Significant Air Quality Deterioration (PSD) regulations. This determination of non applicability has been issued under EPA's PSD regulations (40 CFR 52.21) for the chemical process plant based upon our finding that the potential (uncontrolled) emissions of each pollutant regulated under the Clean Air Act (the Act) from these two boilers (said boilers burning only natural gas) will not exceed the threshold limitation of PSD applicability (the PSD regulations apply to any new or modified chemical process plant with potential emissions of 100 tons per year or more of any pollutant regulated under the Act.)

This PSD determination is final agency action under the Act which is locally or regionally applicable. Under Section 307 (b)(1) of the Act, judicial review of this action may be had only in the United States Court of Appeals for the appropriate circuit. Any petition for review must be filed on or before June 17, 1980.

Copies of the determination are available for public inspection upon request at the following location:

Permits Administration Branch—Room 432, U.S. Environmental Protection Agency Region II Office, 26 Federal Plaza, New York, New York 1007. Attention: Mr. Kenneth Eng (212) 264-4711.

Dated: March 24, 1980

Charles S. Warren,

Regional Administrator.

[FR Doc. 80-11965 Filed 4-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1467-3]

Region II Office; PSD Nonapplicability to Oxide and Chemical Corp.

Notice is hereby given that on September 25, 1979, the Environmental Protection Agency (EPA), Region II Office, issued a determination that the Oxide and Chemical Corporation (OCC) proposal to construct a new Barton Oxide unit (a unit which combines molten lead with air to form lead oxide) at their Huguenot, New York plant is not subject to the Prevention of Significant Air Quality Deterioration (PSD) regulations. This determination of non applicability has been issued under EPA's PSD regulations (40 CFR 52.21) for the costume jewelry manufacturing plant based upon our finding that the baghouses which vent this unit and the material handling system were determined to be vital to normal production of the product. The potential (uncontrolled) particulate matter emissions (the principal pollutant from this project) were calculated as the emissions exiting the baghouses to be approximately 5 tons per year (the PSD regulations apply to any new or modified costume jewelry manufacturing plant with potential emissions of 250 tons per year or more of any pollutant regulated under the Clean Air Act (the Act)).

This PSD determination is final agency action under the Act which is locally or regionally applicable. Under Section 307(b)(1) of the Act, judicial review of this action may be had only in the United States Court of Appeals for the appropriate circuit. Any petition for review must be filed on or before June 17, 1980.

Copies of the determination are available for public inspection upon request at the following location:

Permits Administration Branch—Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007. Attention: Mr. Kenneth Eng, (212) 264-4711.

Dated: March 24, 1980.
Charles S. Warren,
Regional Administrator.

[FR Doc. 80-11964 Filed 4-17-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1467-4]

Region II Office; PSD Nonapplicability to Pike Industries, Inc.

Notice is hereby given that on October 4, 1979, the Environmental Protection Agency (EPA), Region II Office, issued a determination that the

Pike Industries, Inc. proposal to construct a new portable crusher for sand and gravel processing in Brighton, New York is not subject to the Prevention of Significant Air Quality Deterioration (PSD) regulations. This determination of non-applicability has been issued under EPA's PSD regulations (40 CFR 52.21) for the rock crushing plant based upon our finding that the potential (uncontrolled) particulate matter emissions associated with this source will not exceed the threshold limitation of PSD applicability (the PSD regulations apply to any new or modified rock crushing plant with potential emissions of 250 tons per year or more of any pollutant regulated under the Clean Air Act (the Act)).

This PSD determination is final agency action under the Act which is locally or regionally applicable. Under Section 307(b)(1) of the Act, judicial review of this action may be had only in the United States Court of Appeals for the appropriate circuit. Any petition for review must be filed on or before June 17, 1980.

Copies of the determination are available for public inspection upon request at the following location: Permits Administration Branch, Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007. Attention: Mr. Kenneth Eng, (212) 264-4711.

Dated: March 24, 1980.

Charles S. Warren,
Regional Administrator.

[FR Doc. 80-11963 Filed 4-17-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1467-1]

Auburn Steel Co., Inc.; Notice of NSPS Nonapplicability

Notice is hereby given that on January 23, 1980, the Environmental Protection Agency (EPA), Region II Office, issued a determination that the Auburn Steel Company, Incorporated modification of the electric arc furnace (EAF) at their Auburn, New York plant is not subject to New Source Performance Standards (NSPS). This determination of non applicability has been issued under EPA's NSPS regulations (40 CFR 60) for steel plants (electric arc furnaces) based upon our finding that there will be no net increase in the emission rate of the pollutant to which the NSPS applies (particulate matter) from the facility, and the facility has not been reconstructed; that is the capital cost of this modification was less than fifty percent of the fixed capital cost of an entirely new facility (NSPS regulations

apply to any new EAF, any modified EAF from which there is a net increase in the emission rate of the affected pollutant and any reconstructed EAF).

This NSPS determination is final agency action under the Act which is locally or regionally applicable. Under Section 307(b)(1) of the Act, judicial review of this action may be had only in the United States Court of Appeals for the appropriate circuit. Any petition for review must be filed on or before June 17, 1980.

Copies of the determination are available for public inspection upon request at the following location: Permits Administration Branch, Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007. Attention: Mr. Kenneth Eng, (212) 264-4711.

Dated: March 24, 1980.

Charles S. Warren,
Regional Administrator.

[FR Doc. 80-11966 Filed 4-17-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1466-8]

Cutter Rico, Inc.; Notice of PSD Nonapplicability

Notice is hereby given that on February 5, 1980, the Environmental Protection Agency (EPA), Region II Office, issued a determination that the Cutter Rico, Inc. (CR) proposal to construct Phase I of a new hospital supply and health care manufacturing plant (this Phase is a new facility which manufactures a medicinal material called Cuttercast) in Las Piedras, Puerto Rico, is not subject to the Prevention of Significant Air Quality Deterioration (PSD) regulations. This determination of non applicability has been issued under EPA's PSD regulations (40 CFR 52.21) for the chemical process plant based upon our finding that the potential (uncontrolled) emissions of each pollutant regulated under the Clean Air Act (the Act) does not exceed the threshold limitation for PSD applicability (the PSD regulations apply to any new or modified chemical process plant with potential emissions of 100 tons per year or more of any pollutant regulated under the Act).

This PSD determination is final agency action under the Act which is locally or regionally applicable. Under Section 307(b)(1) of the Act, judicial review of this action may be had only in the United States Court of Appeals for the appropriate circuit. Any petition for review must be filed on or before June 17, 1980.

Copies of the determination are available for public inspection upon request at the following location: Permits Administration Branch, Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007, Attention: Mr. Kenneth Eng, (212) 264-4711.

Dated: March 24, 1980.
Charles S. Warren,
Regional Administrator.
[FR Doc. 80-11967 Filed 4-17-80; 8:45 am]
BILLING CODE 6560-01-M

(FRL 1469-5)

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104) U.S. Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EISs) which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of April 7, 1980 to April 11, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from April 18, 1980 and will end on June 2, 1980. The 30-day review period for final EIS's as calculated from April 18, 1980 will end on May 19, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

For hard copy reproduction: Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, DC 20036.
For hard copy reproduction or microfiche: Information Resources Press, 2100 M Street, NW., Suite 316, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A-104), Environmental

Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ Regulations became effective. Pursuant to Section 1506.10(a), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of April 7, 1980 to April 11, 1980 the 30-day review period will be calculated from April 18, 1980. The review period will end on May 19, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of April 7, 1980 to April 11, 1980. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this Notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the **Federal Register** and the newly established date of comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: April 16, 1980.
William N. Hedeman, Jr.,
Director, Office of Environmental Review (A-104).

Appendix I.—EIS's Filed With EPA During the Week of April 7 Through 11

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A, Admin. Building, Washington, D.C. 20250 (202) 447-3965.

Forest Service

Draft

Cache La Poudre Wild and Scenic River, Larimer County, Colo., April 8: Proposed is the inclusion of the Cache La Poudre River in Larimer County, Colorado, in the National Wild and Scenic River System, portions of the river flow through the Rocky Mountain National Park and the Roosevelt Mountain National Park. The preferred alternative recommends 42.25 miles be classified as recreational river area and 25 miles be classified as a wild river area. Five alternatives are examined. (USDA-FS-02-10-80-03). (EIS Order No. 800246).

Final

Jerritt Canyon Gold Mine and Mill, Humboldt National Forest, Elko County, Nev., April 11: Proposed is the issuance of a permit to construct an open-pit mine known as Jerritt Canyon Mine located in Elko County, Nevada. Other features of the permit include a cyanidization mill and tailings disposal pond within and adjacent to the Humboldt National Forest. The alternatives include: 1) no action; 2) waste rock disposal alternatives; 3) mill, corridor and tailing pond alternatives; and 4) power transmission line alternatives. Comments made by: USDA, HEW, AHP, DOI, EPA, State and local agencies, groups, individuals and businesses. (EIS Order No. 800269).

Soil Conservation Service

Draft

Fourche Creek Watershed, Missouri and Arkansas, April 8: Proposed is a multipurpose project for the Fourche Creek Watershed in Randolph County, Arkansas and Ripley County, Missouri. Project measures include land treatment, channels, dams and water-based recreational facilities. The alternatives consider: 1) Land use changes, land treatment and recreational facilities; 2) land treatment and recreational facilities; and 3) no action. (EIS order No. 800247).

Final

Calapooya Creek Watershed, multipurpose program, Douglas County, Oreg., April 11: Proposed is a multipurpose project for the Calapooya Creek Watershed located in Douglas County, Oregon. The purposes of the project are watershed protection, irrigation, municipal and industrial water supply, flood prevention, and water-based recreation. Planned works of improvement include conservation land treatment, one multiple purpose dam water-based recreational development and associated on farm

irrigation and drainage measures. Eight alternatives are considered. (USDA-SCS-EIS-WS(ADM)-79-1-(F)(OR)). Comments made by: AHP, COE, DOC, DOI, EPA, HEW, USDA, State and Local Agencies, Individuals. (EIS Order No. 800268).

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314 (202) 272-0121.

Draft

Cape May Inlet to Lower Township, Erosion Control, Cape May County, N.J., April 9: Proposed is a beach erosion control project for the New Jersey coast from Cape May Inlet to Lower Township in Cape May County. Plan A considers beach nourishment, placement of nine new groins, a seawall, dune rehabilitation, and a weir-breakwater. Plan B involves beach nourishment, two new groins, a weir-breakwater and bypassing system, and a feeder beach. Plan C involves acquisition of 114 acres in lower township and West Cape May City in lieu of beach-fill. Other variations of these plans are considered. (Philadelphia District). (EIS Order No. 800254).

Haikey Creek Local Flood Protection, Tulsa County, Okla.; April 7: Proposed is a flood control project for Haikey Creek in Tulsa County, Oklahoma. The selected plan would include removal or floodproofing of structures along one reach of Haikey Creek and a levee along another reach. The alternatives examined include: 1) Flood plain evacuation, 2) levees plus flow easements, 3) Hickory Hills levee plus evacuation, and 4) Hickory Hills levee plus channel. (Tulsa District). (EIS Order No. 800244).

Draft

Colorado River Diversion into Matagorda Bay, Matagorda County, Tex., April 9: Proposed is a diversion project for the Colorado river to divert flow into Matagorda Bay located in Matagorda County, Texas. The alternatives consider full and partial diversion. Full diversion would involve dredging of channels, construction of a dam, relocation of a navigation channel, closing of the Tiger Island Channel, and creation of a new reef. Dredged material would be deposited in two leveed upland disposal sites. Partial diversion would involve channels, a flow divider, closing of the Tiger Island Channel, and placement of rip-rap at the mouth of the navigation Channel. (Galveston District). (EIS Order No. 800253).

Draft Supplement

Lock Haven/Lockport Local Flood Protection, Clinton County, Pa., April 9: Proposed is a flood protection plan for the cities of Lock Haven and Lockport in Clinton County, Pennsylvania. The plan would involve a levee and wall around Lock Haven with interior drainage, and the removal and floodproofing of structures at Lockport. This statement examines the effects of the discharged fill material. (Baltimore District). (EIS Order No. 800255).

Final Supplement

Los Angeles Harbor Deepening Project, Los Angeles County, Calif., April 9: This statement supplements a final EIS, No. 761283, filed 8-31-76. Proposed is the deepening of navigation channel and turning basins in the Los Angeles Harbor, Los Angeles County, California. Dredged material will be used to create new land in the Harbor for Port development. The alternatives considered include: 1) no action, 2) lightening, 3) ocean disposal of dredged material, 4) land disposal of dredged material, and 5) size and location of landfill. (Los Angeles District). Comments made by: EPA, DOC, DOT, DOI, FERC, USDA, HUD, DLAB, State and local agencies, individuals and businesses. (EIS Order No. 800252).

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 377-4335.

National Oceanic and Atmospheric Administration

Final

North Carolina Coastal Zone Management Program, Amendments, North Carolina, April 11: Proposed are amendments to the North Carolina Coastal zone management program. The amended elements of the program are: 1) The shorefront access and protection planning process, 2) the energy facility siting planning process, and 3) the shoreline erosion mitigation planning process. Comments made by: FERC, DOT, COE, DOE, DOI. (EIS Order No. 800270.)

DEPARTMENT OF ENERGY

Contact: Dr. Robert Stern, Acting Director, NEPA Affairs Division, Department of Energy, Mail Station 4G-064, Forrestal Building, Washington, D.C. 20585 (202) 252-4600.

Bonneville Power Administration

Draft

BPA role in Pacific Northwest Power Supply System, Programmatic, April 10: This programmatic statement examines the role of the BPA in the Pacific Northwest Power Supply System, including its participation in a hydro-thermal power program. The alternatives consider: 1) Legislation reducing BPA's role in the region, 2) use existing authority, 3) increased BPA role in region, and 4) establishment of a regional energy commission. The original draft, No. 770896, filed 7-22-77 was replaced by a revised draft. (DES/EIS-0066.) (EIS Order No. 800260.)

The contact for the following DOE EIS's is: Dr. Goetz K. Oertel, Director, Division of Waste Products, Mail Stop B-107, U.S. Department of Energy, Washington, D.C. 20545 (202) 353-3641.

Final Supplement

Savannah River Plant Waste Management Operations, Aiken County, S.C., April 11: Proposed is a plan for waste management operation at the Savannah River Plant in Aiken County, South Carolina. The plan will include the completion of construction and

operation of 14 tanks for high-level radioactive waste storage on an interim basis until long-term or final disposal of the wastes can be achieved. This statement examines design alternatives for 14 1.3 million gallon high-activity waste tanks now under construction and supplements a final EIS, No. 771225, dated 9-30-77. (DOE/EIS-0062-F.) Comments made by: EPA, HEW, NSF, DOI. (EIS Order No. 800272.)

Hanford Site Waste Management Operations, Benton County, Wash., April 11: Proposed is a waste management operations plan for the Hanford Site located in Richland, Benton County, Washington. The plan would involve the completion of construction and the operation of 13 tanks for high-level radioactive liquid waste storage on an interim basis until long-term or final disposal of the wastes can be achieved. This statement supplements a final EIS, No. 751848, dated 12-22-75, and examines design alternatives for tanks currently under construction. (DOE/EIS-0063-F.) Comments made by: EPA, NSF, HEW, USDA, DOI, State agencies, individuals. (EIS Order No. 800271.)

FEDERAL ENERGY REGULATORY COMMISSION

Contact: Dr. Jack M. Heinemann, Advisor on Environmental Quality, Room 3000, S-22, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, (202) 357-8228.

Draft

Sulton River Project No. 2157, License Amendment, Snohomish County, Wash., April 9: Proposed is an amendment to the license for the Sulton River project located in Snohomish County, Washington. The amendment would authorize: (1) Raising Culmbach Dam by 62 feet and enlarging Spada Lake by 1,100 acres; (2) installation of a power tunnel and conduit; (3) construction of a four-unit powerhouse; (4) installation of a water supply pipeline and a fishery flow pipeline; (5) construction of a 115kv transmission line; and (6) construction of new roads and the upgrading of old ones. Some of the alternatives considered include: (1) conservation, (2) rate revision, (3) design, (4) other sites, (5) sources of power, and (6) denial (FERC/EIS-0015-D). (EIS Order No. 800256.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6300.

Draft

Clover Leaf Residential Development, Blaine, Anoka County, Minn., April 10: Proposed is the issuance of HUD home mortgage insurance for the Clover Leaf Farm planned residential development in Blaine, Anoka County, Minnesota. When completed the development would comprise 1135 units, consisting of mixed single, two and four family homes, located on 336 acres (HUD-RO5-EIS-79-06-D). (EIS Order No. 800259.)

Final

Hunter's Hollow Planned Community, Shelby County, Tenn., April 8: Proposed is the issuance of HUD home mortgage insurance for the Hunter's Hollow planned community located in Shelby County, Tennessee. The development would include single-family houses, apartments, and townhouses for a total of 2,326 dwelling units. Also included are plans for a community shopping complex and a church, construction of a health care facility is considered as an alternate use of the area planned for townhouses on the corner of Macon Road and Germantown Road (HUD-RO4-EIS-78-20). Comments made by: USAF, DOC, EPA, GSA, HEW, DOI, DLAB, TVA, DOT, VA, FEMA, State and local agencies. (EIS Order No. 800249.)

Ridgeway Estates Subdivision, Mortgage Insurance, Shelby County, Tenn., April 10: Proposed is the issuance of HUD home mortgage insurance for the Ridgeway subdivision and vicinity in Shelby County, Tennessee. The development is located in a 3,000 acre tract of land and is expected to consist of approximately 10,000 dwelling units, including single family homes, apartments, and townhouses (HUD-RO4-EIS-78-21). Comments made by: USAF, USDA, DOC, EPA, FEMA, HEW, DOI, DLAB, TVA, VA, DOT, State and local agencies. (EIS Order No. 800262.)

Waverly Plantation Planned Community, Shelby County, Tenn., April 10: Proposed is the issuance of HUD home mortgage insurance for the Waverly Plantation Planned Community located in Shelby County, Tennessee. The community will encompass a 689.9 acre tract of land and include 2,962 dwelling units consisting of single family houses, apartments and townhouses. Also included are plans for elementary school/park sites, church sites, public and private recreational facilities, and supporting shopping centers. (HUD-RO4-EIS-78-18). Comments made by: USDA, USAF, DOC, EPA, FEMA, GSA, HEW, DOI, DLAB, TVA, DOT, State and local agencies. (EIS Order No. 800263.)

Cascade Park Planned Community, Mortgage Insurance, Clark County, Wash., April 7: Proposed is the issuance of HUD mortgage insurance for the Cascade Park planned community located near Vancouver City, Clark County, Washington. The development will include: (1) Two electronics manufacturing sites, (2) a business and high density residential area of 80 acres, (3) a residential community of clustered neighborhoods for single-family housing comprising 2,800 acres, (4) public open space, (5) park and school sites on 250 acres, and (6) a larger central park-natural open space area of 100 acres. (HUD-RIO-EIS-79-2F). Comments made by: USDA, DOC, AHP, DOI, EPA, DOE, State and local agencies, groups. (EIS Order No. 800251.)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the

appropriate local executive. Copies are not available from HUD.

Draft

Rochester City Cultural District Plan, Monroe County, N.Y., April 11: Proposed is the awarding of CDB grant to the City of Rochester, Monroe County, New York, for the development of the city's cultural district. The master plan involves a mixture of cultural, entertainment, commercial and residential use. Specifically the plan considers the construction of a Main Street transit mall and the extension of Chestnut Street. Funding would be applied to portions of the overall development. (EIS Order No. 800267.)

Final

Wausau Downtown Shopping Center, Wausau, UDAG, Marathon County, April 8: Proposed is the awarding of a UDA Grant to the City of Wausau, Marathon County, Wisconsin for the construction of a downtown shopping center on eight blocks at the southern end of the CBD. The project will include three major department stores, about 55 smaller shops, an enclosed mall and two parking ramps with a capacity of 1,500 cars. The alternatives considered included three sites for the center and no action which will involve the construction of a regional shopping center which would be developed at the urban fringe. Comments made by: EPA, AHP, DOI, State and local agencies, groups, individuals and businesses. (EIS Order No. 800250.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

Bureau of Land Management*Draft*

Gunnison Basin/Silverton Unit, Grazing Mgmt., Several counties in Colorado, April 8: Proposed is a domestic livestock grazing management program for the Gunnison Basin Resource Area and Silverton Planning Unit, in Gunnison, Hinsdale, San Juan, Saguache and Montrose Counties, Colorado. The area encompasses 637,277 acres and 167 livestock grazing allotments. The preferred action involves: (1) Setting initial livestock grazing allocations at 44,542 aums, (2) implement grazing systems around spring rest requirements for forage plants, and (3) construct various range improvements. The alternatives include: (1) Fall rest, (2) no action, (3) elimination of livestock grazing, (4) optimize wildlife and watershed values, and (5) optimize livestock grazing (DES-80-18). (EIS Order No. 800245.)

Owyhee grazing management program, Owyhee County, Idaho, and Malheur County, Oreg., April 10: Proposed is the implementation of a range management program on 1,014,296 acres of public land in Owyhee County, Idaho and Malheur County, Oregon. The alternatives considered are: (1) No livestock grazing, (2) no action, (3) maximize wildlife and watershed conditions, (4) sixty percent use levels, and (5) maximize livestock use. The preferred action includes:

(1) Reduction of aums from 113,122 to 78,336, (2) management of wild horses, (3) allocation of vegetation for consumptive use, and (4) levels of management intensity. (EIS Order No. 800261.)

Anaconda Nevada Moly Project, Permit, Lander and Nye Counties, Nev., April 10: Proposed is issuance of a right-of-way permit for the placement of a 230 kV transmission line from Austin to north of Tonopah in Lander and Nye Counties, Nevada. The transmission is being placed in conjunction with construction of an open pit molybdenum mine and mill which would require the removal of 88,000 metric tons of waste and 20,000 metric tons of ore per day. Mine waste would be stored near the pit and tailings would be placed in a pond on the site. Electrical power requirements for the mine and mill are estimated to be 30 megawatts (DES-80-19). (EIS Order No. 800257.)

Final

Oil Shale Resource Development, Land Exchange, Rio Blanc County, Colo., April 10: Proposed is a land exchange between BLM and the Superior Oil Company and the revoking of the oil shale withdrawal by the Secretary of DOI. With the exchange, an economical mining unit would be formed and oil shale resources developed. The development will include the construction of an underground mine and a processing plant; the above ground facilities will occupy about 380 acres. The alternatives considered are no action, product transportation by rail or pipe, and expanded resource development. This project is located in Rio Blanc County, Colorado (FES-80-13). Comments made by: HEW, HUD, DOI, GSA, State agencies, groups. (EIS Order No. 800258.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.

Federal Aviation Administration

Draft

Boston-Logan Airport, Bird Islands Flats, Suffolk County, Mass., April 11: proposed is development of the Bird Island Flats, located at the southwest corner of Boston-Logan International Airport in Suffolk County, Massachusetts. The flats encompass approximately 65 acres of a 234 acre landfill. Each alternative includes cargo facilities, freight forwarders and a noise buffer zone. The development alternatives consider: (1) low intensity cargo, (2) high intensity cargo, (3) mixed use, and (4) no action. Each of the development alternatives are examined with and without general aviation land use. (EIS Order No. 800265.)

Federal Highway Administration

Draft

WI-29, WI-13 to U.S. 51, Improvement, Marathon County, Wis., April 8: proposed is improvement of WI-29 from one mile east of WI-13 in the village of Abbotsford to U.S. 51 in the city of Wausau, Marathon County, Wisconsin. The first segment between one mile east of WI-13 and CTH-S has been constructed to expressway standards. The

middle segment extends for 8.1 miles and it is proposed that this be reconstructed as a four-lane divided highway between CTH-S and Deerbrook Lane. The last segment between Deerbrook Lane and U.S. 51 has been constructed as a dual roadway, four lane freeway. The proposed action of this statement involves the improvement of the middle section. (FHWA-WISC-EIS-79-01-D.) (EIS Order No. 800248.)

Final

South Stony Island Avenue Improvement, Cook County, Ill., April 7: proposed is the reconstruction, widening, and channelizing of South Stony Island Avenue between East 64th Street to East 70th Street in the city of Chicago, Cook County, Illinois. The proposed limits of construction encompass a distance of 3,367 feet, and will result in widening South Stony Island Avenue to four full lanes in each direction with medians and turn bays. Also included in the project are signalization, landscaping, ramped pedestrian crossings, and street lighting. In addition to no action, three alternatives are considered. (FHWA-IL-EIS-79-01-F.) Comments made by: USDA, DOC, DOI, DOT, EPA, State and local agencies, groups, individuals, and businesses. (EIS Order No. 800243.)

Urban Mass Transportation administration

Final

Transit System Improvements, Los Angeles, Los Angeles County, Calif., April 10: proposed are improvements to the Los Angeles Regional Core Transit System in Los Angeles County, California. In addition to no build, improvements which are considered fall into two categories of five alternatives each. The first category, rapid rail, consists of alternatives for a line-haul rail rapid transit facility supplemented by a network of feeder buses. The second category, all bus, consists of line haul and feeder buses, has alternatives ranging from an exclusive grade separated aerial to simple incremental improvements. Comments made by: EPA, DOT, DOI, State and local agencies, groups, individuals, and businesses. (EIS Order No. 800264.)

STATE DEPARTMENT

Contact: Mr. William H. Mansfield III, Office of Environmental Affairs, Department of State, Washington, D.C. 20520, (202) 632-2418.

Draft

Conservation of Migratory Caribou, U.S. and Canada, Alaska, April 11: proposed is a bilateral convention for the conservation of migratory caribou and their environment between the United States (Alaska) and Canada. The convention would provide a mechanism for international cooperation in the management and conservation of certain caribou that migrate between Alaska and the Yukon Territory, and their habitats. Three international caribou herds have been identified for possible inclusion in the convention. The major alternatives considered are: (1) implementation of a convention, and (2) no convention. In addition alternatives pertaining to: Caribou covered, management goals, regulations of take, and habitat protection are considered. (EIS Order No. 800266.)

EIS's Filed During the Week of Apr. 7, Through 11, 1980

[Statement title index—by State and county]

State	County	Status	Statement title	Accession No.	Date filed	Originating agency No.
Alaska		Draft	Conservation of Migratory Caribou, US and Canada	800266	Apr. 11, 1980	STAT
Arkansas	Randolph	Draft	Fourche Creek Watershed	800247	Apr. 8, 1980	USDA
California	Los Angeles	Final	Tranist System Improvements, Los Angeles	800264	Apr. 10, 1980	DOT
	Los Angeles	Supple	Los Angeles Harbor Deepening Project (FS)	800252	Apr. 9, 1980	COE
Colorado	Severel	Draft	Gunnison Basin/Silverton Unit, Grazing Mgmt.	800245	Apr. 8, 1980	DOI
	Larimer	Draft	Cache La Poudre Wild and Scenic River	800246	Apr. 8, 1980	USDA
	Rio Blanc	Final	Oil Shale Resource Development, Land Exchange	800258	Apr. 10, 1980	DOI
Idaho	Owyhee	Draft	Owyhee Grazing Management Program	800261	Apr. 10, 1980	DOI
Illinois	Cook	Final	South Stony Island Avenue Improvement	800243	Apr. 7, 1980	DOT
Massachusetts	Suffolk	Draft	Boston-Logan Airport, Bird Islands Flats	800265	Apr. 11, 1980	DOT
Minnesota	Anoka	Draft	Clover Leaf Residential Development, Blaine	800259	Apr. 10, 1980	HUD
Missouri	Ripley	Draft	Fourche Creek Watershed	800247	Apr. 8, 1980	USDA
Nevada	Elko	Final	Jerritt Canyon Gold Mine and Mill, Humbolt NF	800269	Apr. 11, 1980	USDA
	Lander	Draft	Anaconda Nevada Moly Project, Permit	800257	Apr. 10, 1980	DOI
	Nye	Draft	Anaconda Nevada Moly Project, Permit	800257	Apr. 10, 1980	DOI
New Jersey	Cape May	Draft	Cape May Inlet to Lower Township, Erosion Control	800254	Apr. 9, 1980	COE
New York	Monroe	Draft	Rochester City Cultural District Plan	800267	Apr. 11, 1980	HUD
North Carolina		Final	NC Coastal Zone Management Program, Amendments	800270	Apr. 11, 1980	DOC
Oklahoma	Tulsa	Draft	Haikey Creek Local Flood Protection	800244	Apr. 7, 1980	COE
Oregon	Malheur	Draft	Owyhee Grazing Management Program	800261	Apr. 10, 1980	DOI
	Douglas	Final	Calapooya Creek Watershed, Multipurpose Program	800268	Apr. 11, 1980	USDA
Pennsylvania	Clinton	Supple	Look Haven/Lockport Local Flood Protection	800255	Apr. 9, 1980	COE
Programmatic		Draft	BPA Role in Pacific NW Power Supply System	800260	Apr. 10, 1980	DOE
South Carolina	Aiken	Supple	Savannah River Plant Waste Management Operations (FS)	800272	Apr. 11, 1980	DOE
Tennessee	Shelby	Final	Hunter's Hollow Planned Community	800249	Apr. 8, 1980	HUD
	Shelby	Final	Ridgeway Estates Subdivision, Mortgage Insurance	800262	Apr. 10, 1980	HUD
	Shelby	Final	Waverly Plantation Planned Community	800263	Apr. 10, 1980	HUD
Texas	Matagorda	Draft	Colorado River Diversion Into Matagorda Bay	800253	Apr. 9, 1980	COE
Washington	Clark	Final	Cascade Park Planned Community, Mortgage Insurance	800251	Apr. 7, 1980	HUD
	Snohomish	Draft	Sulton River Project No. 2157, License Amendment	800256	Apr. 9, 1980	FERC
Wisconsin	Benton	Supple	Harford Site Waste Management Operations (FS)	800271	Apr. 11, 1980	DOE
	Marathon	Draft	WI-29, WI-13 to US 51, Improvement	800248	Apr. 8, 1980	DOT
	Marathon	Final	Wausau Downtown Shopping Center, Wausau, UDAG	800250	Apr. 8, 1980	HUD

Appendix II.—Extension/Waiver of Review Periods on EIS's Filed With EPA

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Waiver/extension	Date review terminates
DEPARTMENT OF AGRICULTURE					
Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A, Administration Building, Washington, D.C. 20250, (202) 447-3965.	Cache La Poudre Wild and Scenic River Study, Larimer County, Colorado.	Draft 800246	Apr. 18, 1980 (See Appendix I).	Extension	July 6, 1980.
DEPARTMENT OF INTERIOR					
Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Building, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.	Gunnison Basin Resource Area/Silverton Planning Unit, Livestock Grazing Management Program.	Draft 800245	Apr. 18, 1980 (See Appendix I).	Extension	June 17, 1980.

Appendix III.—EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Date of withdrawal
None.				

Appendix IV.—Notice of Official Retraction

Federal agency contact	Title of EIS	Status/No.	Date notice published FEDERAL REGISTER	Reason for retraction
None.				

Appendix V.—Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA

Federal agency contact	Title of report	Date made available to EPA	Accession No.
None.			

Appendix VI.—Official Correction

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Correction
DEPARTMENT OF TRANSPORTATION				
Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590 (202) 426-4357	Oklahoma City West Bypass, OK- 74, Oklahoma County, Oklahoma.	Final 800152.....	Mar. 14, 1980....	The project was published as extending from I-240/NW 39th Street. The project length was changed in the Final EIS to extend from I-240/NW 39th Street to 63rd Street.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6300	Woodlawn Drainage System, City and County of Schenectady, New York.	Draft 79012.....	Apr. 11, 1980	The Draft EIS to be withdrawn was listed with the incorrect accession number. The number is 790712.
DEPARTMENT OF AGRICULTURE				
Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A, Administration Building, Washington, D.C. 20250 (202) 447-3965	Report—Amplification of Extent of Impacts of the EIS for Duralde des Cannes Watershed, Evangeline Parish, Louisiana.	Report 800255.....	Apr. 7, 1980	This report was published under the COE. The correct agency is the USDA.

[FR Doc. 80-12025 Filed 4-17-80; 8:45 am]

BILLING CODE 6560-01-M

**FEDERAL COMMUNICATIONS
COMMISSION**

[Report No. A-13]

**FM Broadcast Application Accepted
for Filing and Notification of Cut-Off
Date**

Released: April 11, 1980.

Cut-off Date: May 19, 1980.

Notice is hereby given that the application listed below is hereby accepted for filing. It will be considered to be ready and available for processing after May 19, 1980. An application, in order to be considered with the application or with any application on file by the close of business on May 19, 1980, which involves a conflict necessitating a hearing with the application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on May 19, 1980.

Petitions to deny this application must be on file with the Commission not later than the close of business on May 19, 1980.

BPH-790727AQ—WSEZ, Winston-Salem, North Carolina, Triad Broadcasting Company, Inc. Has: 93.1 MHz; #226C; 34 kW; 250 feet. Req: 93.1 MHz; #226C; 100 kW; 250 feet.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-11725 Filed 4-17-80; 8:45 am]

BILLING CODE 6712-01-M

[Docket No. 19660; RM-690]

**International Record Carrier's Scope
of Operations in the Continental
United States, Including Possible
Revisions to the Formula Prescribed
Under Section 222 of the
Communications Act; Order Extending
Time for Filing Requested Information
Prescribed by Policy Statement and
Order**

AGENCY: Federal Communications
Commission.

ACTION: Order extending time for filing.

SUMMARY: The FCC has extended the filing period from March 27, 1980, to April 27, 1980, in the segment of Docket No. 19660 directing Comsat and the International Record Carriers to attempt to solve the equal access problem at Intelsat earth stations.

DATES: Comments must be filed on or before April 27, 1980.

ADDRESSES: Federal Communications
Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

William F. Adler, Stuart Z. Chiron,
Common Carrier Bureau, International
Facilities Authorization and Licensing
Division (202-632-7265).

In the matter of International Record Carrier's Scope of Operations in the Continental United States, including Possible Revisions to the Formula Prescribed under Section 222 of the Communications Act.

Adopted: March 31, 1980.

Released: April 10, 1980.

1. Communications Satellite Corporation (Comsat) filed a letter on March 21, 1980, requesting a one-month extension of time until April 27, 1980, to make certain filings prescribed by the *Policy Statement and Order* in Docket No. 19660, released February 27, 1980.

2. In Paragraph 98 of the *Policy Statement and Order* the Commission endorsed the concept of direct IRC-customer access at U.S. international earth stations, but recognized the problem of allowing equal access to all carriers. The Commission requested the interested parties to attempt to find a solution through private meetings and to submit a summary of the efforts made to seek a solution and alternative proposed solutions 30 days from the release of the Order.

3. Comsat states that it initiated a meeting with the IRCs, which took place on March 10, 1980, to discuss these issues. At that meeting the carriers agreed to provide Comsat with specific necessary information, and a second meeting was scheduled for March 27. Comsat further states that under the present schedule an orderly and comprehensive review of alternatives may be impossible, and that all parties agree that progress is being made. Should this progress cease, Comsat states the parties will promptly so advise the Commission.

4. We note that this matter has long been pending before the Commission, and any delay will only forestall the initiation of better service to the public. However, we believe it is in the public interest for the parties to suggest the solution or solutions which can most easily and efficiently be utilized. Therefore, so long as the possibility of a quick, workable solution exists, we find the foregoing adequate cause for the requested extension of time.

5. Accordingly, Comsat's request is hereby granted, and the time in which all parties may file the requested information is extended until April 27, 1980.

Federal Communications Commission.

Thomas J. Casey,

Deputy Chief, Operations, Common Carrier Bureau.

[FR Doc. 80-11950 Filed 4-17-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Carleton Agency, Inc.; Proposal To Continue To Engage in General Insurance Agency Activities

Carleton Agency, Inc., Carleton, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in general insurance agency activities in a community with a population not exceeding 5,000. These activities would be performed from Applicant's office in Carleton, Nebraska, and the geographic areas to be served are Carleton, Nebraska, and its surrounding rural area. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 14, 1980.

Board of Governors of the Federal Reserve System, April 14, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-12012 Filed 4-17-80; 8:45 am]

BILLING CODE 6210-01-M

Curtis BanCo, Inc.; Formation of Bank Holding Company

Curtis BanCo, Inc., Curtis, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of Curtis State Bank, Curtis, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 12, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 11, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-17009 Filed 4-17-80; 8:45 am]

BILLING CODE 6210-01-M

First National of Henryetta, Inc.; Formation of Bank Holding Company

First National of Henryetta, Inc., Henryetta, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank, Henryetta, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 9, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not

suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 11, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-12011 Filed 4-17-80; 8:45 am]

BILLING CODE 6210-01-M

Island City Bancorp, Inc.; Formation of Bank Holding Company

Island City Bancorp, Inc., Minocqua, Wisconsin, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Security State Bank, Minocqua, Wisconsin. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 12, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 11, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-12010 Filed 4-17-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by William C. Hill, District Director, San Francisco District Office, San Francisco, CA 94102.

DATE: The meeting will be held at 1:30 p.m., Thursday, May 15, 1980.

ADDRESS: The meeting will be held at 50 United Nations Plaza, Rm. 506, San Francisco, CA 94102.

FOR FURTHER INFORMATION CONTACT:

Stephanie Gray, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 50 United Nations Plaza, Rm. 524, San Francisco, CA 94102, 415-556-2682.

SUPPLEMENTARY INFORMATION:

The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's San Francisco District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: April 11, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-11563 Filed 4-17-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80F-0096]

General Foods Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: General Foods Corp. has filed a petition proposing to amend the food additive regulations to provide for the safe use of polysorbate 80 as a surfactant and wetting agent for natural and artificial colors intended for use in food.

FOR FURTHER INFORMATION CONTACT:

Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7A3309) has been filed by General Foods Corp., Technical Center, 250 North St., White Plains, NY 10625, proposing that § 172.840 *Polysorbate 80* (21 CFR 172.840) be amended to provide for the safe use of polysorbate 80 as a surfactant and wetting agent for natural and artificial colors, intended for use in barbecue sauce.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report

may be seen in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 10, 1980.

Sanford A. Miller,
Director, Bureau of Foods.

[FR Doc. 80-11564 Filed 4-17-80; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces a forthcoming consumer exchange meeting to be chaired by the Commissioner of Food and Drugs.

DATE: The meeting will be held at 1 p.m., Wednesday, April 30, 1980.

ADDRESS: The meeting will be held at the HEW North Building, Rm. 5051, 330 Independence Ave. SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Alexander Grant, Associate Commissioner for Consumer Affairs (HF-7), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rm. 16-85, Rockville, MD 20857, 301-443-5006.

SUPPLEMENTAL INFORMATION: The purpose of the meeting is to exchange information between Food and Drug Administration (FDA) officials and consumer representatives by providing an opportunity for consumer representatives to present their views directly to the Commissioner and to the top managers of FDA, by seeking solutions to any problems agreed on during this communication, and by giving the agency an opportunity to discuss and communicate vital health and policy issues to the concerned public. Proposed discussion at the meeting will focus on postcoital contraceptives and the Bureau of Radiological Health's education and information campaign on diagnostic X-rays.

Dated: April 14, 1980.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 80-11730 Filed 4-15-80; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a

forthcoming consumer exchange meeting to be chaired by LeRoy M. Gomez, District Director, Denver District Office, Denver, CO.

DATE: The meeting will be held at 1 p.m., Thursday, May 15, 1980.

ADDRESS: The meeting will be held at the Natrona County Public Library, 307 East Second, Casper, WY 82601.

FOR FURTHER INFORMATION CONTACT: Grace P. Paavola, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 500 U.S. Custom House, Denver, CO 80202, 303-837-4915.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Denver District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: April 14, 1980.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 80-11731 Filed 4-17-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79N-0330]

GRAS and Prior-Sanctioned Human Food Ingredients and Flavor Substances; Availability of Information

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the public availability of new information compiled during the Food and Drug Administration's (FDA) review of generally recognized as safe (GRAS) and prior-sanctioned human food ingredients and flavor substances.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: FDA announced in notices published in the Federal Register of July 26, 1973 (38 FR 20054), April 17, 1974 (39 FR 13796), September 23, 1974 (39 FR 34218), August 29, 1975, (40 FR 39918), January 22, 1976 (41 FR 3331), June 14, 1977 (42 FR 30431), March 28, 1978 (43 FR 12947), November 21, 1978 (43 FR 54293), and October 16, 1979 (44 FR 59649) the availability of information compiled during the safety review of GRAS and prior-sanctioned food ingredients and flavor substances. The availability of

the information was announced to provide maximum public opportunity to present additional data, information, and views on the substances while they are being reviewed by the Select Committee on GRAS Substances (the Select Committee) of the Life Sciences Research Office, Federation of American Societies for Experimental Biology, and to serve as a basis for public comment on proposed FDA action on the ingredients.

This notice announces the public availability of, and purchasing information for, additional information obtained by FDA in conducting its safety review of GRAS and prior-sanctioned food ingredients and flavor substances. This information consists of 4 host-mediated mutagenic tests, 17 reports of the Select Committee on the evaluation of the health aspects of various food ingredients, and 13 scientific literature reviews of flavors.

FDA recognizes that information on GRAS and prior-sanctioned food ingredients and flavor substances is of broad public interest. Accordingly, this information is available for purchase in microfiche and paper copy from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22161, (telephone 703-557-4650). The price code for microfiche is A01; the current price for microfiche is \$3.50. The order numbers and price information for paper copies are listed below.

Host-Mediated Mutagenic Tests

Ingredient	Order No.	Paper copy price code	Paper copy price ¹
Potassium nitrate	PB 299-833/AS	A05	\$8.00
Potassium nitrate	PB 299-834/AS	A05	8.00
Sodium bisulfite	PB 299-835/AS	A05	8.00
Sodium meta-bisulfite	PB 299-836/AS	A05	8.00

¹ Price subject to change.

Reports of the Select Committee

Ingredient	Order No.	Paper copy price code	Paper copy price ¹
Carbon dioxide	PB 80-104615	A03	\$6.00
Carotene	PB 80-119837	A03	6.00
Casein, sodium caseinate and calcium caseinate	PB 301-401/AS	A03	6.00
Copper gluconate, copper sulfate, and cuprous iodide	PB 301-400/AS	A03	6.00
Hydrochloric acid	PB 301-399/AS	A02	5.00
Hydrogen peroxide ..	PB 80-104607	A03	6.00
Lecithin	PB 301-405/AS	A03	6.00
Manganous salts	PB 301-404/AS	A03	6.00
Niacin and niacinamide	PB 80-112030	A03	6.00
Nickel	PB 80-104623	A03	6.00

Reports of the Select Committee—Continued

Ingredient	Order No.	Paper copy price code	Paper copy price ¹
Nitrogen, helium, propane, n-butane, isobutane, and nitrous oxide	PB 80-112022	AO4	7.00
Potassium acid tartrate, sodium potassium tartrate, sodium tartrate and tartaric acid	PB 301-403/AS	AO3	6.00
Propionic acid, calcium propionate, sodium propionate, dilaurylthiodipropionate and thiodipropionic acid	PB 80-104599	AO3	6.00
Riboflavin and riboflavin-b'-phosphate	PB 301-406/AS	AO3	6.00
Silicates	PB 301-402/AS	AO3	6.00
Sodium chloride and potassium chloride	PB 298-139/AS	AO4	7.00
Soy protein isolates	PB 300-717/AS	AO5	8.00

¹ Price subject to change.

Scientific Literature Reviews of Substances in Flavor Usage

Ingredient	Order No.	Paper copy price code	Paper copy price ¹
Alicyclic compounds of carbon, hydrogen and oxygen (supplement 4)	PB 298-385/AS	AO3	\$6.00
Aliphatic ketones, secondary alcohols, and related esters (supplement 2)	PB 298-388/AS	AO2	5.00
Aliphatic lactones (supplement 1)	PB 298-384/AS	AO2	5.00
Aliphatic primary alcohols, aldehydes, esters, and acids (supplement 5)	PB 298-383/AS	AO3	6.00
Aliphatic polyhydroxy compounds and derivatives (supplement 1)	PB 298-381/AS	AO2	5.00
Aryl substituted tertiary alcohols and esters (supplement 1)	PB 298-380/AS	AO2	5.00
Furanones and related substances (supplement 1)	PB 298-377/AS	AO2	5.00
Phenols (supplement 1)	PB 298-386/AS	AO2	5.00
Primary alcohols, aldehydes, acids and related esters with thiol or sulfide functions (supplement 1)	PB 298-382/AS	AO2	5.00
Propylene glycol, glycerol, and related substances (supplement 2)	PB 298-376/AS	AO2	5.00
Substituted pyrazines (supplement 2)	PB 298-387/AS	AO2	5.00

Scientific Literature Reviews of Substances in Flavor Usage—Continued

Ingredient	Order No.	Paper copy price code	Paper copy price ¹
Sulfur derivatives of furans (supplement 1)	PB 298-387/AS	AO2	5.00
Thiazole and related substances (supplement 1)	PB 298-379-AS	AO2	5.00

¹ Price subject to change.

A single copy of all of the information described above is available for review in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. Additional information relating to the review of GRAS and prior-sanctioned ingredients or flavor substances will be announced and placed on display at the office of the Hearing Clerk, at the address above, as it becomes available.

Dated: April 11, 1980.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 80-11732 Filed 4-17-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80M-0047]

Soft Lenses, Inc.; Premarket Approval of Cabcurve (Porofoc B) Contact Lens

Correction

In FR Doc. 80-7970 appearing on page 16565 in the issue for Friday, March 14, 1980, in the first column, summary paragraph, line 10, "notice" should be corrected to read "notified".

BILLING CODE 1505-01-M

Health Services Administration Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1980:

Name: Maternal and Child Health Research Grants Review Committee

Date and Time: May 21-23, 1980, 9 a.m.

Place: Conference Room L, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Open May 21, 9 a.m.—10 a.m. Closed for remainder of meeting.

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child

health administered by the Bureau of Community Health Services.

Agenda: The Committee will be performing the review of grant applications for Federal assistance. This meeting will be open to the public from 9 to 10 a.m., May 21 for the Opening Remarks. It will be closed to the public from 10 a.m. to 5 p.m. on May 21 and from 9 a.m. to 5 p.m. on May 22 and May 23 to review applications, in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and the Determination by the Administrator, Health Services Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of the members, minutes of meeting, or other relevant information should write to or contact Dr. Contran Lamberty, Bureau of Community Health Services, Health Service Administration, Room 7-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-2190.

Agenda items are subject to change as priorities dictate.

Dated: April 11, 1980.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 80-11929 Filed 4-17-80; 8:45 am]

BILLING CODE 4110-84-M

Primary Care Research and Demonstration Projects; Availability of Grants

The Health Services Administration (HSA) announces that under the authority of section 340 of the Public Health Service (PHS) Act (42 U.S.C. 256), as amended by the Health Services and Centers Amendments of 1978 (Pub. L. 95-626), competitive applications for new grants to support Primary Care Research and Demonstration projects are being accepted. The Secretary of Health, Education, and Welfare will make grants to public and nonprofit private entities: (1) To demonstrate new and innovative methods for the provision of primary health services and dental health services; and (2) to conduct research on experimental or existing methods for the provision of primary health services and dental services. A detailed program description appears at No. 13.823 in the *Catalogue of Federal Domestic Assistance*.

From the fiscal year 1980 appropriation of \$14 million for this program, approximately \$10 million is required to support existing primary care research and demonstration projects. It is anticipated that \$3,400,000 will be available for new grants. Applicants must show that they are capable of planning and conducting demonstrations or research to benefit medically underserved populations. Applicants may propose to conduct research or demonstration activities involving other populations if it is

clearly shown that the product of the activities has potential for meeting the needs of medically underserved populations. The approval of an application or the award of any grant does not commit or obligate the United States in any way to make additional, supplemental, continuation or other award.

Grants may be made to demonstrate and conduct research on:

(1) Methods of attracting and retaining primary care physicians, dentists, physician assistants, nurse practitioners and other health professionals, both individually and as teams, to train and practice among medically underserved populations;

(2) Differing types of organizational models and relationships, including federations of health service centers, designed to meet unique primary health and dental health service needs;

(3) Management and technological improvements (including new or improved methods for biomedical communication and medical and financial recordkeeping and billing systems) to increase the productivity, effectiveness, efficiency, and financial stability of primary health and dental health service providers;

(4) Methods of providing health promotion, disease prevention, and health education programs, including school health programs;

(5) Methods of identifying, coordinating, and integrating existing primary health and dental health service programs with mental health and social service programs to maximize use of available resources, avoid duplication of effort, and ensure a coordinated, comprehensive care system;

(6) Specific services or mixtures of services appropriate for a given area, including ambulatory care, home health care, environmental health services (described in section 330(a)(4) of the PHS Act), community outreach activities, transportation services, and other supplemental health services (described in section 330(b)(2) of the PHS Act);

(7) The effect of availability of primary health and home health services in terms of reduction of emergency room visits, hospitalizations, and institutionalization in long-term care facilities;

(8) The use of mobile health screening clinics to provide preventive health care services to meet the needs of medically underserved populations; and

(9) Such other projects as the Secretary determines to be necessary to further the needs of medically underserved populations in the community setting.

A document regarding intended distribution of funds is available from the appropriate DHEW Regional Office as set forth below. Projects which propose activities which could be carried out under any other PHS authority (such as section 328, Hospital-Affiliated Primary Care Centers, section 329, Migrant Health Centers, section 330, Community Health Centers) other than sections 301, 304 or 305 of the PHS Act may not be approved under section 340. In reviewing applications under section 340, the Secretary may award grants to applicants which will, in the Secretary's judgment, best promote the purposes of the program, taking into account the potential of the proposed project for developing new and effective methods for health services delivery, the administrative and management capability of the applicant, and the soundness of the fiscal plan.

The Application Process

A-95 Clearinghouse Project Notification and Review; Health Systems Agency Review; Forms and Instructions.

1. A-95 Clearinghouse Notification and Review¹

In compliance with the Department of Health, Education, and Welfare's implementation of Office of Management and Budget Circular No. A-95 Revised, applicants must notify both the State and Areawide A-95 Clearinghouses of their intent to apply for Federal assistance. Applications will not be formally reviewed by DHEW without clearinghouse comments, or verification that no comments were made within the applicable period available to the clearinghouse for comment.

2. Health Systems Agency Review¹

Applications should be submitted simultaneously to the appropriate health systems agency and to the appropriate DHEW Regional Office in order to provide the health systems agency the required time for review. Simultaneous submission is permitted by § 122.408(b)(1) of Title 42 of the Code of Federal Regulations.

3. Closing Date for Receipt of Applications.

Applications must be received in the appropriate DHEW Regional Office by May 15, 1980. Those received after that date will not be considered for funding.

4. Forms and Instructions.

Application kits, instructions, and information are available from the

¹ Public Health Service policy specifies simultaneous submission of competing applications to the A-95 Clearinghouse, Health Systems Agency, and the granting agency.

representative of the Regional Health Administrator in the appropriate Regional Office. A representative of the Regional Health Administrator will be available for consultation and technical assistance in the development of an application.

Dated: April 14, 1980.

George I. Lythcott, M.D.,
Administrator, Health Services
Administration.

Public Health Service

Regional Health Administrators

Edward J. Montminy, Regional Health Administrator, PHS—Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-6827, (FTS: 8-223-6827).

C. Robert Dean, M.D., Actg. Regional Health Administrator, PHS—Region II, 26 Federal Plaza, New York, New York 10007, (212) 264-2536/7, (FTS: 8-264-3939).

H. Mc Donald Rimple, M.D., M.P.H., Regional Health Administrator, PHS—Region III, P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596-6637, (FTS: 8-596-6637).

George A. Reich, M.D., Regional Health Administrator, PHS—Region IV, 101 Marietta Tower, Suite 1007, Atlanta, Georgia 30323, (404) 221-2316, (FTS: 8-242-2316).

E. Frank Ellis, M.D., Regional Health Administrator, PHS—Region V, 300 South Wacker Drive, Chicago, Illinois 60606, (312) 353-1385, (FTS: 8-353-1385).

James A. Buford, Regional Health Administrator, PHS—Region VI, 1200 Main Tower Building, Dallas, Texas 75202, (214) 767-3879, (FTS: 8-729-3879).

Youn Bock Rhee, Regional Health Administrator, PHS—Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-3291, (FTS: 8-758-3291).

Hilary H. Connor, M.D., Regional Health Administrator, PHS—Region VIII, 19th and Stout Streets Denver, Colorado 80294 (303) 837-4461, (FTS: 8-327-4461).

Sheridan L. Weinstein, M.D., Regional Health Administrator, PHS—Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556-5810, (FTS: 8-556-5810).

Ms. Dorothy H. Mann, Regional Health Administrator, PHS—Region X, Arcade Plaza Building, 1321 Second Avenue—Mail Stop 805, Seattle, Washington 98101, (206) 442-0430, (FTS: 8-399-0430).

[FR Doc. 80-11926 Filed 4-17-80; 8:45 am]

BILLING CODE 4110-84-M

Office of Education

National Advisory Council on Extension and Continuing Education; Meeting

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a

meeting of the National Advisory Council on Extension and Continuing Education. It also describes the functions of the Council. Notice of meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, (10)(a)(2)). This document is intended to notify the general public of their opportunity to attend the meeting.

DATE: May 6-7, 1980.

ADDRESS: Quality Inn, 415 New Jersey Avenue, N.W., Washington, D.C., telephone: (202) 638-1616

FOR FURTHER INFORMATION:

Dr. William G. Shannon, Executive Director, National Advisory Council on Extension and Continuing Education, 425 Thirteenth Street, N.W.; Suite 529, Washington, D.C. 20004, telephone: (202) 376-8888

The National Advisory Council on Extension and Continuing Education is authorized under P.L. 89-329. The Council is required to report annually to the President, the Congress, the Secretary of HEW, and the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Part A of Title 1 (HEA), including policies and procedures governing the approval of State plans under Section 105; and to advise the Assistant Secretary of HEW on Part B (Lifelong Learning activities) of the title.

Meetings of the Council are open to the public. However, because of limited space, those interested in attending any meeting are asked to write or call the Council's office beforehand.

The meeting of the National Advisory Council on Extension and Continuing Education is being held in conjunction with the "Salute to Learning" program marking the establishment of the Department of Education.

The full Council will convene on Tuesday evening, May 6, 1980, meeting from 8:00 p.m. to 10: p.m. The meeting will be continued on Wednesday, May 7, beginning at 8:30 a.m., and concluding at 3:00 p.m. The agenda for the Council meeting will include:

1. Report of the Chairperson.
2. Report of the Executive Director.
3. Budget Review.
4. Congressional Update
5. Agenda for next meeting of full Council.

All records of the Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 Thirteenth Street, N.W.; Washington, D.C.

Dated: April 15, 1980.
William G. Shannon,
Executive Director.
[FR Doc. 80-12008 Filed 4-17-80; 8:45 am]
BILLING CODE 4110-02-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14882-A and F-14882-B]

Alaska Native Claims Selection

This decision rejects a State selection and approves lands located near Koyukuk for conveyance to Gana-a 'Yoo, Limited.

On January 23, 1974, and December 9, 1974, Mineelghaadza', Limited, for the Native village of Koyukuk, filed selection applications F-14882-A and F-14882-B under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976))

(ANCSA), for the surface estate of certain lands in the vicinity of Koyukuk.

On April 6, 1978, in accordance with Title 10, Chapter 05, Secs. 396 and 399 of the Alaska Business Corporation Act, and as authorized by Pub. L. 94-204, Sec. 30 (89 Stat. 1148), the Native villages of Galena (Notaagheedee, Limited), Kaltag (Takathlee-tondin, Incorporated), Nulato (Nik'agun, Limited) and Koyukuk (Mineelghaadza', Limited) formed a new corporation which consolidated individual village interests into one single constituent corporation, Gana-a 'Yoo, Limited.

On December 29, 1976, the State of Alaska filed general purposes selection application F-23216, as amended, for all unpatented land in T. 6 S., R. 7 E., Kateel River Meridian, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)). Section 6(b) of the Alaska Statehood Act states that general purposes selections shall be made from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection.

At the time of filing of the State's selection application, part of the following lands was withdrawn by Sec. 11 of ANCSA and properly selected pursuant to Sec. 12 of ANCSA by Mineelghaadza', Limited for the Native village of Koyukuk. The remaining part of the following lands was segregated by Native allotment applications F-16259 Parcel B and F-17127 Parcel A which were filed pursuant to the Act of May 17, 1906 (34 Stat. 197), as amended August 2, 1956 (70 Stat. 954; 43 U.S.C. 270-1 to 270-3) subject to the provisions

of the Act of March 8, 1922 (42 Stat. 415; 48 U.S.C. 376-377).

Therefore, in view of the above, State selection application F-23216 is hereby rejected as to the following described lands:

Kateel River Meridian, Alaska (Unsurveyed)

T. 6 S., R. 7 E.

Secs. 1 to 4, inclusive, all;
Secs. 5 and 6, excluding the Koyukuk River;
Secs. 7 and 8, all;
Secs. 17 to 20, inclusive, excluding the Koyukuk River;
Sec. 29, all;
Secs. 30 and 31, excluding the Koyukuk River;
Sec. 32, all.
Containing approximately 9,149 acres.

The State selected lands rejected above were not valid selections and will not be charged against the village corporation as State selected lands. Further action on the subject State selection application as to those lands not rejected herein will be taken at a later date.

Mineelghaadza', Limited in its application excluded the following bodies of water:

Negotsena Creek;
Hodegaden Creek;
Bazook Lake;
Unidentified lake within Sec. 6, T. 6 S., R. 8 E., Kateel River Meridian;
All unidentified sloughs and lakes within Secs. 1 through 5, 8 through 17, 20 through 29 and 34 through 36, T. 5 S., R. 6 E.; Secs. 1 through 3, 10 through 15, 22 through 27 and 33 through 36, T. 6 S., R. 6 E.; Secs. 2 through 36, T. 5 S., R. 7 E.; Secs. 1 through 8, 17 through 20 and 29 through 32, T. 6 S., R. 7 E.; Secs. 5 through 8 and 17 through 21, T. 7 S., R. 7 E.; and Secs. 19, 20 and 29 through 32, T. 5 S., R. 8 E., Kateel River Meridian.

Because these water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act.

Section 12(a) and 43 CFR 2651.4 (b) and (c) provide that the village corporation shall select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. The regulations also provide that the area selected will not be considered to be reasonably compact if it excludes other lands available for selection within its exterior boundaries.

For these reasons, the water bodies which were improperly excluded in Mineelghaadza', Limited's application are considered selected.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the

Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 85,417 acres, is considered proper for acquisition by Gana-a 'Yoo, Limited and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Kateel River Meridian, Alaska (Unsurveyed)

T. 7 S., R. 5 E.

Secs. 13 to 16, inclusive, all;
Sec. 17, excluding Native allotments F-13462 Parcel A and F-14376;
Secs. 18 and 19, all.
Containing approximately 4,284 acres.

T. 5 S., R. 6 E.

Secs. 1, 2 and 3, all;
Sec. 4, excluding the Koyukuk River;
Secs. 5 and 8, all;
Sec. 9 excluding the Koyukuk River;
Sec. 10, all;
Secs. 11 to 14, inclusive, excluding the Koyukuk River;
Sec. 15, all;
Sec. 16, excluding the Koyukuk River;
Secs. 17 and 20, all;
Sec. 21, excluding Native allotments F-15059 Parcel B and F-15246 Parcel C and the Koyukuk River;
Sec. 22, excluding Native allotments F-15246 Parcel C and F-16634 B and the Koyukuk River;
Sec. 23, excluding Native allotment F-15245 Parcel B and the Koyukuk River;
Sec. 24, all;
Sec. 25, excluding the Koyukuk River;
Sec. 26, excluding Native allotments F-15067 Parcel A and F-15245 Parcel B and the Koyukuk River;
Sec. 27, excluding Native allotments F-15246 Parcel C, F-15067 Parcel A and F-16634 Parcel B and the Koyukuk River;
Sec. 28, excluding Native allotment F-15246 Parcel C;
Sec. 34, all;
Sec. 35, excluding Native allotment F-15067 Parcel B and the Koyukuk River;
Sec. 36, excluding the Koyukuk River.
Containing approximately 14,790 acres.

T. 6 S., R. 6 E.

Sec. 1, excluding the Koyukuk River;
Sec. 2, excluding Native allotment F-15067 Parcel B and the Koyukuk River;
Secs. 3 and 10, all;
Secs. 11, 12 and 13, excluding the Koyukuk River;
Secs. 14, 15, 22 and 23, all;
Sec. 24, excluding the Koyukuk River;
Secs. 25, 26, 27 and 33, all;
Sec. 34, excluding Native allotment F-15059 Parcel A and the Yukon River;
Sec. 35, excluding the Yukon River;
Sec. 36, excluding Native allotment F-17127 Parcel A and the Yukon River and its interconnecting sloughs.
Containing approximately 10,710 acres.

T. 7 S., R. 6 E.

Sec. 1, excluding the Yukon River and its interconnecting sloughs;
Sec. 2, all;

Sec. 3, excluding Native allotments F-15059 Parcel A and F-15246 Parcel A and the Yukon River;
Sec. 4, excluding Native allotment F-15246 Parcel A and the Yukon River;
Secs. 5, 6 and 7, all;
Sec. 8, excluding Native allotment F-17127 Parcel B and the Yukon River;
Secs. 9 and 10, excluding the Yukon River;
Sec. 11, all;
Sec. 12, excluding the interconnecting sloughs of the Yukon River;
Secs. 13, 14 and 15, all;
Sec. 16, excluding the Yukon River;
Sec. 17, excluding U.S. Survey 4488, U.S. Survey 4041, U.S. Survey 2036, Native allotment F-17127 Parcel B and the Yukon River;
Sec. 18, excluding the Yukon River;
Sec. 19, excluding Native allotment F-14106 Parcel B and the Yukon River;
Sec. 20, excluding Native allotment F-14039 Parcel A and the Yukon River;
Sec. 21, excluding the Yukon River;
Secs. 22 and 23, excluding Native allotment F-16634 Parcel A and the Yukon River;
Sec. 24, excluding Native allotment F-17128 Parcel B and the Yukon River;
Sec. 25, excluding the Yukon River;
Sec. 26, excluding Native allotment F-17122 Parcel A and the Yukon River;
Secs. 27 and 28, excluding the Yukon River and its interconnecting slough;
Sec. 29, excluding Native allotment F-14039 Parcel A and the interconnecting sloughs of the Yukon River;
Sec. 30, excluding Native allotments F-14039 Parcel A and F-14106 Parcel B and the interconnecting sloughs of the Yukon River;
Sec. 31, excluding the interconnecting sloughs of the Yukon River;
Secs. 32 to 35, inclusive, excluding the interconnecting slough of the Yukon River;
Sec. 36, all.
Containing approximately 17,675 acres.

T. 5 S., R. 7 E.

Sec. 2, all;
Sec. 3, excluding the Koyukuk River;
Sec. 4, excluding Native allotment F-15245 Parcel A and the Koyukuk River;
Sec. 5, excluding the Koyukuk River;
Sec. 6, excluding Native allotment F-17122 Parcel B and the Koyukuk River;
Secs. 7 and 8, excluding the Koyukuk River;
Sec. 9, excluding Native allotment F-14440 Parcel D;
Sec. 10, excluding Native allotment F-14440 Parcel D and the Koyukuk River and its interconnecting slough;
Sec. 11, excluding the Koyukuk River and its interconnecting slough;
Sec. 12, all;
Sec. 13, excluding the interconnecting slough of the Koyukuk River;
Sec. 14, excluding the Koyukuk River and its interconnecting slough;
Sec. 15, excluding the Koyukuk River;
Secs. 16 and 17, all;
Sec. 18, excluding the Koyukuk River;
Secs. 19 to 22, inclusive, all;
Secs. 23 and 24, excluding the Koyukuk River and its interconnecting slough;
Sec. 25, excluding Native allotments F-14995 Parcel B and F-15278 and the Koyukuk River;
Sec. 26, excluding the Koyukuk River;
Secs. 27 and 28, excluding Native allotment F-15285 and the Koyukuk River;
Sec. 29, excluding the Koyukuk River;

Sec. 30, excluding Native allotment F-14107 and the Koyukuk River;
Sec. 31, excluding Native allotment F-14042 Parcel B and the Koyukuk River;
Secs. 32, 33 and 34, excluding the Koyukuk River and its interconnecting slough;
Sec. 35, excluding the Koyukuk River;
Sec. 36, excluding Native allotment F-14995 Parcel B, Nikolai Slough and the Koyukuk River.

Containing approximately 18,867 acres.

T. 6 S., R. 7 E.

Secs. 1 to 4, inclusive, all;
Secs. 5 and 6, excluding the Koyukuk River;
Secs. 7 and 8, all;
Secs. 17 and 18, excluding the Koyukuk River;
Secs. 19 and 20, excluding Native allotment F-16259 Parcel B and the Koyukuk River;
Sec. 29, all;
Sec. 30, excluding the Koyukuk River;
Sec. 31, excluding Native allotment F-17127 Parcel A and the Koyukuk River and its interconnecting slough;
Sec. 32, all.
Containing approximately 9,044 acres.

T. 7 S., R. 7 E.

Sec. 5, excluding the interconnecting slough of the Yukon River;
Sec. 6, excluding Native allotment F-15246 Parcel B, the Yukon River and its interconnecting sloughs;
Secs. 7, 8, 17 and 18, excluding the Yukon River and its interconnecting sloughs;
Sec. 19, excluding Native allotment F-17128 Parcel B and the Yukon River;
Sec. 20, excluding the interconnecting slough of the Yukon River;
Secs. 21, 27, 28 and 34, all.
Containing approximately 6,118 acres.

T. 5 S., R. 8 E.

Sec. 19, excluding the Koyukuk River;
Sec. 20, all;
Sec. 29, excluding Nikolai Slough;
Sec. 30, excluding Native allotments F-14995 Parcel B and F-15278 and the Koyukuk River;
Secs. 31 and 32, excluding Nikolai Slough.
Containing approximately 3,345 acres.

T. 6 S., R. 8 E.

Sec. 6, excluding Nikolai Slough.
Containing approximately 584 acres.
Aggregating approximately 85,417 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14882-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or

Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

One Acre Site—The uses allowed for a site easement are: Vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

a. (EIN 1 D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 17, T. 6 S., R. 7 E., Kateel River Meridian, on the left bank of the Koyukuk River. The uses allowed are those listed above for a one (1) acre site easement.

b. (EIN 2a M, N) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 1 D9 on the left bank of the Koyukuk River in Sec. 17, T. 6 S., R. 7 E., Kateel River Meridian, easterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 8 C3, C5, D1) An easement for an existing access trail twenty-five (25) feet in width from the Koyukuk River in Sec. 27, T. 5 S., R. 6 E., Kateel River Meridian, southeasterly to the Koyukuk River in Sec. 35, T. 5 S., R. 6 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

d. (EIN 10 C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 27, T. 5 S., R. 6 E., Kateel River Meridian, on the right bank of the Koyukuk River. The uses allowed are those listed above for a one (1) acre site easement.

e. (EIN 11 C5) An easement for an existing access trail fifty (50) feet in width from site EIN 12 C5 on the right bank of the Yukon River in Sec. 20, T. 7 S., R. 5 E., Kateel River Meridian, northwesterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

f. (EIN 23 C5) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 10 C5 on the

right bank of the Koyukuk River in Sec. 27, T. 5 S., R. 6 E., Kateel River Meridian, southwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Gana-a 'Yoo, Limited in the area of Koyukuk is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12 (a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 85,417 acres. The remaining entitlement of approximately 6,743 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Doyon, Limited when the surface estate is conveyed to Gana-a 'Yoo, Limited, and shall be subject to the same conditions as the surface conveyance.

Within the above described lands, only the following inland water bodies are considered to be navigable:

Nikolai Slough;
Yukon River and its interconnecting sloughs;
Koyukuk River and its interconnecting sloughs.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of

this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *FAIRBANKS DAILY NEWS-MINER*.

Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until May 19, 1980 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Gana-a 'Yoo, Limited, Box 38, Galena, Alaska 99741.

Doyon, Limited, First and Hall Streets, Fairbanks, Alaska 99701.

Ricky M. Elliott,
Chief, Branch of Adjudication.

[FR Doc. 80-11914 Filed 4-17-80; 8:45 am]
BILLING CODE 4310-84-M

[F-19155-16]

Alaska Native Claims Selection

On April 2, 1975, Doyon, Limited filed selection application F-19155-16, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c)(1976)) (ANCSA), for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) of the Native village of Nulato. The

application excluded several water bodies as being navigable:

Soonkaket River;
Green Water Creek;
unnamed body of water in Secs. 2, 3, 8, 9 and 10, T. 10 S., R. 4 E.;
unnamed slough in Secs. 2, 11, 14 and 15 T. 10 S., R. 4 E.;
unnamed lake in Secs. 28 to 33, inclusive, T. 11 S., R. 5 E., Kateel River Meridian.

As these are considered nonnavigable and as Sec. 12(c)(3) and 43 CFR 2652.3(c) require the region to select all available lands within the township, the beds of these water bodies are considered selected.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 12(c) of ANCSA, aggregating 140,646 acres, are considered proper for acquisition by Doyon, Limited and are hereby approved for conveyance pursuant to Sec. 14(e) of ANCSA:

Kateel River Meridian, Alaska (Unsurveyed)

- T. 8 S., R. 2 E.
Secs. 5 to 8, inclusive, all;
Secs. 23 to 26, inclusive, all;
Secs. 33 to 36, inclusive, all.
Containing approximately 7,660 acres.
- T. 10 S., R. 2 E.
Secs. 1 to 9, inclusive, all.
Containing approximately 5,692 acres.
- T. 7 S., R. 3 E.
Secs. 1 to 18, inclusive, all.
Containing approximately 11,455 acres.
- T. 11 S., R. 3 E.
Secs. 1 to 4, inclusive, all;
Secs. 5 to 8, inclusive, excluding the Yukon River;
Secs. 9 to 12, inclusive, all;
Secs. 13 to 16, inclusive, excluding the Kaiyuh Slough;
Secs. 17, all;
Secs. 18 and 19, excluding the Yukon River;
Secs. 20 to 25, inclusive, excluding the Kaiyuh Slough;
Secs. 26, 27 and 28, all;
Secs. 29, excluding the Kaiyuh Slough;
Sec. 30 excluding Native allotment F-14019
Parcel B, the Yukon River and the Kaiyuh Slough;
Sec. 31, excluding the Yukon River;
Secs. 32 to 36, inclusive, all.
Containing approximately 20,650 acres.
- T. 8 S., R. 4 E.
Secs. 3 and 10, all;
Sec. 13, excluding Native allotments F-13461, F-026954 and F-033685 and the Yukon River;
Sec. 14, excluding Native allotments F-13461, F-026954 and F-033685;

- Secs. 15 and 22, all;
Secs. 23 and 24, excluding Native allotment F-033685 and the Yukon River;
Sec. 25, excluding Native allotments F-17105 and F-13521 and the Yukon River;
Sec. 26, excluding Native allotments F-13467, F-027510 and F-027518 and the Yukon River;
Sec. 27, excluding Native allotments F-027510 and F-027518;
Sec. 34, excluding Native allotments F-13580, F-027510 and F-027518 and the Yukon River;
Sec. 35, excluding Native allotments F-17105, F-027510 and F-027518 and the Yukon River and Patsy Slough;
Sec. 36, excluding Native allotment F-17105 and Patsy Slough.
Containing approximately 5,570 acres.

- T. 10 S., R. 4 E.
Secs. 1 to 5, inclusive, all;
Secs. 8 to 17, inclusive, all;
Secs. 19 to 36, inclusive, all.
Containing approximately 21,039 acres.
- T. 9 S., R. 5 E.
Secs. 1 to 36, inclusive, all.
Containing approximately 22,788 acres.
- T. 11 S., R. 5 E.
Secs. 1 to 36, inclusive, all.
Containing approximately 22,932 acres.
- T. 10 S., R. 6 E.
Secs. 1 to 36, inclusive, all.
Containing approximately 22,860 acres.
Aggregating approximately 140,646 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-21779-16, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

a. (EIN 6a C5) An easement for a proposed access trail twenty-five (25) feet in width from public lands in Sec. 6,

T. 11 S., R. 4 E., Kateel River Meridian, northwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 6b C5) An easement for a proposed access trail twenty-five (25) feet in width from public lands in Sec. 1, T. 11 S., R. 4 E., Kateel River Meridian, northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 6c C5) An easement for a proposed access trail twenty-five (25) feet in width from public lands in Sec. 6, T. 11 S., R. 6 E., Kateel River Meridian, northwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

d. (EIN 9 C3, C5) An easement for a proposed access trail twenty-five (25) feet in width from the right bank of the Yukon River in Sec. 4, T. 10 S., R. 3 E., Kateel River Meridian, westerly to public lands in Sec. 36, T. 9 S., R. 2 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

e. (EIN 13 C5) An easement for a proposed access trail twenty-five (25) feet in width from public lands in Sec. 1, T. 10 S., R. 5 E., Kateel River Meridian, northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

f. (EIN 15 C3, C5) An easement for a proposed access trail fifty (50) feet in width from Tract C of U.S. Survey 4370 in Sec. 5, T. 9 S., R. 4 E., Kateel River Meridian, westerly to public lands in T. 8 S., R. 1 E., Kateel River Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

g. (EIN 24 E) An easement for a proposed access trail fifty (50) feet in width from public lands in Sec. 6, T. 10 S., R. 7 E., Kateel River Meridian, northwesterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or

ease, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

To date 1,854,462 acres of land, selected pursuant to Sec. 12(c) of ANCSA, have been approved for conveyance to Doyon, Limited.

Within the above described lands, only the following inland water bodies are considered to be navigable:

The Yukon River and its interconnecting sloughs; Kaiyuh Slough.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *Fairbanks Daily News-Miner*. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until May 19, 1980, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is:

Doyon, Limited, First and Hall Streets,
Fairbanks, Alaska 99701

Ricky M. Elliott,

Chief, Branch of Adjudication.

[FR Doc. 80-11915 Filed 4-17-80; 8:45 am]

BILLING CODE 4310-84-M

[AA-6658-A]

Alaska Native Claims Selection

On July 29, 1975, AHTNA, Inc. filed selection application AA-8104-2, later amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (1976)), for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) for the Native village of Copper Center. Portions of these lands were properly selected by Kluti-Kaah Corporation (for the Native village of Copper Center) in selection application AA-6658-A and are not available for selection by AHTNA, Inc. (See 43 CFR 2652.3(b)). Therefore, application AA-8104-2 is rejected as to the following described lands:

Copper River Meridian, Alaska

T. 1 N., R. 1 W.

Sec. 6, excluding the Klutina River.

Containing approximately 615 acres.

T. 2 N., R. 2 W.

Sec. 31, all.

Containing approximately 628 acres.

T. 1 N., R. 3 W.

Sec. 1, all.

Containing approximately 640 acres.

T. 1 S., R. 3 W.

Sec. 24, all;

Sec. 25, excluding the Klutina River and

Native allotment application AA-88;

Sec. 26, excluding the Klutina River, Klutina Lake and Native allotment applications AA-88 and AA-7337 Parcel A;

Sec. 27, excluding Klutina Lake;

Sec. 28, all;

Sec. 29, excluding Native allotment

application A-060537;

Secs. 30 and 31, excluding Klutina Lake;

Sec. 32, excluding Klutina Lake and Native allotment applications A-060536 and A-060537;

Sec. 33, excluding Klutina Lake;

Sec. 34, excluding Klutina Lake and Native allotment application A-060538;

Sec. 35, excluding Klutina Lake and Native allotment applications A-060538 and AA-7337 Parcel A;

Sec. 36, all;

Containing approximately 5,401 acres.

Aggregating approximately 7,284 acres.

Further action on the lands remaining in selection AA-8104-2 will be taken at a later date.

On March 27, 1961, the State of Alaska amended its community grant selection application A-051000 to include certain additional lands in T. 2 N., R. 1 W., Copper River Meridian.

These lands were withdrawn for a government training school by Executive Order on February 15, 1905, and were not available for selection by the State at the time of filing. Accordingly, the selection application, A-051000 must be and is hereby rejected as to the following described lands:

Copper River Meridian, Alaska

T. 2 N., R. 1 W.,

Sec. 2, lot 1;

Sec. 11, lot 1.

Containing 60.80 acres.

The following listed State selections are invalid applications as to the lands described below, because all of these lands were withdrawn at the time of the State's selection by Sec. 11(a)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 696; 43 U.S.C. 1601, 1610(a)(1)). In addition, the lands were selected by the Kluti-Kaah Corporation for the Native village of Copper Center, some of the lands are within Power Projects 2138 and 2215 and some of the lands are within Native allotment, homestead and homesite applications. Therefore, the State selections listed below are rejected as to the following described lands:

Copper River Meridian, Alaska

State general purposes grant selection A-051005 filed on January 12, 1960, as amended.

T. 1 N., R. 1 E.

Sec. 3, lots 3 to 9, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 4, lots 1 to 6, inclusive, NW $\frac{1}{4}$ SE $\frac{1}{4}$,

SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 5, lot 1;

Sec. 10, lots 1 to 8, inclusive, W $\frac{1}{2}$ NW $\frac{1}{4}$,

SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 11, W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 13, lots 1, 2 and 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$,

SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 14, lots 1 to 8, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 15, lots 1 to 4, inclusive;

Sec. 17, NE $\frac{1}{4}$;

Sec. 24, lots 1 to 8, inclusive, NE $\frac{1}{4}$ NE $\frac{1}{4}$,

NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 25, lots 1 to 4, inclusive.

Containing 2,429.84 acres.

State general purposes grant selection AA-21144 filed on November 14, 1978, as amended.

T. 1 N., R. 2 E.

Secs. 4 to 10, inclusive, all;

Secs. 15 to 18, inclusive, all;

Secs. 20, 21 and 22, all;

Secs. 26, 27 and 28, all;

Secs. 29, 31, and 32, excluding the Copper River;

Secs. 33, 34 and 35, all.

Containing approximately 14,080 acres.

State general purposes grant selection AA-21194 filed on November 14, 1978, as amended.

T. 1 N., R. 1 W.

Sec. 6, excluding the Klutina River.

Containing approximately 615 acres.

State general purposes grant selection AA-21195 filed on November 14, 1978, as amended.

T. 1 N., R. 2 W.

Sec. 1, excluding the Klutina River;
Secs. 2 to 10, inclusive, all;
Secs. 11 to 14, inclusive, excluding the Klutina River;
Secs. 17 and 20, all;
Sec. 23, excluding the Klutina River;
Secs. 24 and 25, all;
Sec. 26, excluding U.S. Survey 5112 and the Klutina River;
Sec. 27, excluding U.S. Survey 5112;
Sec. 34, all;
Sec. 35, excluding the Klutina River;
Sec. 36, all.
Containing approximately 14,892 acres.
State general purposes grant selection AA-21196 filed on November 14, 1978, as amended.

T. 1 N., R. 3 W.

Sec. 1, all.
Containing approximately 640 acres.
State general purposes grant selection AA-21197 filed on November 14, 1978, as amended.

T. 2 N., R. 2 W.

Sec. 31, all.
Containing approximately 628 acres.
State general purposes grant selection AA-21198 filed on November 14, 1978, as amended.

T. 2 N., R. 3 W.

Sec. 36, all.
Containing approximately 640 acres.
State general purposes grant selection AA-21211 filed on November 14, 1978, as amended.

T. 1 S., R. 2 W.

Secs. 2 and 3, excluding the Klutina River;
Secs. 4 and 8, all;
Secs. 9, 10, 16, 17, 19, 20, 21 and 30, excluding the Klutina River.
Containing approximately 7,331 acres.
State general purposes grant selection AA-6800 filed on January 21, 1972, as amended.

T. 1 S., R. 3 W.

Secs. 24 to 36, inclusive, all.
Containing approximately 8,252 acres.
State general purposes grant selection AA-21215 filed on November 14, 1978, as amended.

Lot 6 of U.S. Survey 3579, Alaska, situated along the Edgerton Highway between mile 23 and 28 from Chitina, Alaska.
Containing 5.00 acres.

T. 1 S., R. 2 E.

Sec. 1, all;
Secs. 2, 3 and 4, excluding the Copper River;
Sec. 5, lots 1 to 4, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 6, lots 1 to 7, inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7, all;
Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 9, NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 10, all;
Secs. 11, 12 and 13, excluding the Copper River;
Secs. 14 and 15, all;
Sec. 16, NE $\frac{1}{4}$, SW $\frac{1}{4}$;
Secs. 17 to 23, inclusive, all;
Sec. 24, lots 1 and 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 25, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 26 and 27, all;
Sec. 35, N $\frac{1}{2}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 36, lots 6 and 8 to 11, inclusive, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Containing approximately 15,760 acres.

On July 22, 1974, Kluti-Kaah Corporation, for the Native village of Copper Center, filed selection application AA-6658-A, later amended, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Copper Center, Alaska.

The village corporation selected lands which were withdrawn by Secs. 11(a)(1) and 11(a)(2) of ANCSA. Section 11(a)(2) specifically withdrew, subject to valid existing rights, all lands within the townships withdrawn by Sec. 11(a)(1) that had been selected by, or tentatively approved to, but not yet patented to the State of Alaska under the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)).

Section 12(a)(1) of ANCSA provides that village selections shall be made from lands withdrawn by Sec. 11(a). Section 12(a)(1) further provides that no village may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

The following described lands, which are State selected, have been properly selected under village selection application AA-6658-A. Accordingly, the State selection applications identified below are rejected as to the following described lands:

Copper River Meridian, Alaska

State community grant selection A-051000 filed on January 12, 1960, as amended.

T. 2 N., R. 1 W.

Sec. 2, lots 2 to 8, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 3 and 10, all;
Sec. 11, lots 2 and 3, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 14, lots 1 to 5, inclusive, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 15, all;
Sec. 22, lots 1 to 5, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, lots 1 to 5, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 24, lots 1, 2, 3 and 5 to 12, inclusive;
Sec. 25, lots 1 to 5, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 27, lots 1 to 4, inclusive, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.
Containing 6,560.26 acres.

T. 2 N., R. 1 E.

Sec. 19, lots 2, 3, 4, 6 and 7, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, that portion west of the right bank of the Copper River excluding Native allotment application AA-7529;
Sec. 29, that portion west of the right bank of the Copper River;
Sec. 30, lots 1 to 5, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 32, that portion west of the right bank of the Copper River.
Containing approximately 1,748 acres.
Aggregating approximately 8,308.26 acres.
State general purposes grant selection A-051005 filed on January 12, 1960, as amended.

T. 1 N., R. 1 E.

Sec. 2, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 3, lots 1 and 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 4, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 5, lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 6, lots 1 to 5, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 8, NW $\frac{1}{4}$;
Sec. 9, all;
Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 11, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 13, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 22 and 23, all;
Sec. 24, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 25, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 26, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 27, SW $\frac{1}{4}$;
Sec. 35, N $\frac{1}{2}$.
Containing 6,398.69 acres.

The State selected lands rejected above aggregate approximately 80,040.59 acres; however, 65,333.64 acres were not valid selections and will not be charged against the 69,120 acre limitation of State selected lands as set forth in Sec. 12(a)(1) of ANCSA. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

The total amount of lands which have been properly selected by the State, including any valid selection applications previously rejected to permit conveyances to Kluti-Kaah Corporation is 14,706.95 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

As to the lands described below, the village selection application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 106,638.69 acres, is considered proper for acquisition by Kluti-Kaah Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Lands Which May Be Conveyed by Patent

Lot 6 of U.S. Survey 3579, Alaska, situated along the Edgerton Highway between mile 23 and 28 from Chitina, Alaska.
Containing 5.00 acres.

Copper River Meridian, Alaska**T. 1 N., R. 1 E. (Surveyed)**

Sec. 2, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 3, lots 1 to 9, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 4, lots 1 to 6, inclusive, SW $\frac{1}{4}$,
 W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 5, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 6, lots 1 to 5, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 8, NW $\frac{1}{4}$;
 Sec. 9, all;
 Sec. 10, lots 1 to 8, inclusive, W $\frac{1}{2}$ W $\frac{1}{2}$,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 11, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 13, lots 1, 2 and 3, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 14, lots 1, and 8, inclusive, N $\frac{1}{2}$ NE $\frac{1}{4}$,
 SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 15, lots 1, and 4, inclusive, W $\frac{1}{2}$,
 W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 17, NE $\frac{1}{4}$;
 Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Secs. 22 and 23, all;
 Sec. 24, lots 1, and 8, inclusive, NE $\frac{1}{4}$ NE $\frac{1}{4}$,
 W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 25, lots 1 to 4, inclusive, W $\frac{1}{2}$ NW $\frac{1}{4}$,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 26, N $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 27, SW $\frac{1}{4}$;
 Sec. 35, N $\frac{1}{2}$.
 Containing 8,828.53 acres.

T. 2 N., R. 1 E. (Partially Surveyed)

Sec. 7, lots 1 and 2, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 19, lots 2, 3, 4, 6 and 7, W $\frac{1}{2}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$,
 E $\frac{1}{2}$ W $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$,
 S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 30, lots 1 to 5, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Containing 1,368.70 acres.

T. 2 N., R. 1 W. (Partially Surveyed)

Sec. 1, lot 1;
 Sec. 2, lots 1 to 8, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 3, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
 Sec. 10, all;
 Sec. 11, lots 1, 2 and 3, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
 S $\frac{1}{2}$;
 Sec. 12, lot 1;
 Sec. 13, lots 6, 48 and 49;
 Sec. 14, lots 1 to 5, inclusive, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 15, all;
 Sec. 22, lots 1 to 5, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$,
 W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, lots 1 to 5, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 24, lots 1, 2, 3 and 5 to 12, inclusive;
 Sec. 25, lots 1 to 5, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
 SE $\frac{1}{4}$;
 Sec. 27, lots 1 to 4, inclusive, E $\frac{1}{2}$ NE $\frac{1}{4}$,
 SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.
 Containing 7,156.87 acres.

T. 1 S., R. 2 E. (Partially Surveyed)

Sec. 2, lot 1;
 Sec. 3, lots 1 to 4, inclusive;
 Sec. 4, lots 1 to 5, inclusive, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 5, lots 1 to 4, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$,
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 6, lots 1, 2, 6 and 7, E $\frac{1}{2}$ SW $\frac{1}{4}$,
 S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 S $\frac{1}{2}$;
 Sec. 9, E $\frac{1}{2}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 10, all;

Sec. 11, lots 1 to 5, inclusive, W $\frac{1}{2}$ SW $\frac{1}{4}$,
 SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 12, lot 1;
 Sec. 13, lots 1 to 4, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
 SW $\frac{1}{4}$;
 Sec. 14, all;
 Sec. 15, NE $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 16, SW $\frac{1}{4}$;
 Sec. 17, all;
 Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 20, all;
 Sec. 21, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$,
 NW $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 23, all;
 Sec. 24, lots 1 to 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 25, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 26, N $\frac{1}{2}$, SW $\frac{1}{4}$;
 Sec. 27, all;
 Sec. 35, NW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$,
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 36, lots 8 to 11, inclusive.
 Containing 11,871.59 acres.
 Aggregating 29,230.69 acres.

Lands Which May Be Conveyed by Interim Conveyance**Copper River Meridian, Alaska****T. 2 N., R. 1 E. (Partially Surveyed)**

Secs. 1 to 5, inclusive, all;
 Sec. 6, excluding the Copper River;
 Sec. 8, excluding Native allotment
 application AA-6590;
 Secs. 9 to 15, inclusive, all;
 Sec. 16, excluding Native allotment
 application AA-6591;
 Sec. 17, excluding the Copper River and
 Native allotment applications AA-6590
 and AA-6591;
 Sec. 20, excluding the Copper River and
 Native allotment applications AA-6591
 and AA-7529;
 Secs. 21 to 28, inclusive, all;
 Secs. 29, 32 and 33, excluding the Copper
 River;
 Secs. 34, 35 and 36, all.
 Containing approximately 19,004 acres.

T. 1 N., R. 2 E. (Unsurveyed)

Secs. 4 to 10, inclusive, all;
 Secs. 15 to 18, inclusive, all;
 Secs. 20, 21, 22, 26, 27 and 28, all;
 Secs. 29, 31 and 32, excluding the Copper
 River;
 Secs. 33, 34 and 35, all.
 Containing approximately 14,080 acres.

T. 1 N., R. 1 W. (Unsurveyed)

Sec. 6, excluding the Klutina River.
 Containing approximately 615 acres.

T. 2 N., R. 1 W. (Partially Surveyed)

Secs. 4 to 9, inclusive, all;
 Sec. 12, lot 2, excluding AA-17393,
 Quitclaim Deed to the State of Alaska;
 Secs. 16 to 21, inclusive, all;
 Secs. 28 to 31, inclusive, excluding the
 Klutina River;
 Secs. 32 and 33, all.
 Containing approximately 11,514 acres.

T. 1 N., R. 2 W. (Unsurveyed)

Sec. 1, excluding the Klutina River;
 Secs. 2 to 10, inclusive, all;
 Secs. 11 to 14, inclusive, excluding the
 Klutina River;
 Secs. 17 and 20, all;
 Sec. 23, excluding the Klutina River;
 Secs. 24 and 25, all;
 Sec. 26, excluding U.S. Survey 5112 and the
 Klutina River;
 Sec. 27, excluding U.S. Survey 5112;

Sec. 34, all;
 Sec. 35, excluding the Klutina River;
 Sec. 36, all.
 Containing approximately 14,892 acres.

T. 2 N., R. 2 W. (Unsurveyed)

Sec. 31, all.
 Containing approximately 628 acres.

T. 1 N., R. 3 W. (Unsurveyed)

Sec. 1, all.
 Containing approximately 640 acres.

T. 2 N., R. 3 W. (Unsurveyed)

Sec. 36, all.
 Containing approximately 640 acres.

T. 1 S., R. 2 W. (Unsurveyed)

Secs. 2 and 3, excluding the Klutina River;
 Secs. 4 and 8, all;
 Secs. 9, 10, 16, 17, 19, 20, 21 and 30,
 excluding the Klutina River.
 Containing approximately 7,331 acres.

T. 1 S., R. 3 W. (Unsurveyed)

Sec. 24, all;
 Sec. 25, excluding the Klutina River and
 Native allotment application AA-88;
 Sec. 26, excluding the Klutina River,
 Klutina Lake and Native allotment
 applications AA-88 and AA-7337 Parcel
 A;
 Sec. 27, excluding Klutina Lake;
 Sec. 28, all;
 Sec. 29, excluding Native allotment
 application A-060537;
 Secs. 30 and 31, excluding Klutina Lake;
 Sec. 32, excluding Klutina Lake and Native
 allotment applications A-060536 and A-
 060537;
 Sec. 33, excluding Klutina Lake;
 Sec. 34, excluding Klutina Lake and Native
 allotment application A-060538;
 Sec. 35, excluding Klutina Lake and Native
 allotment applications A-060538 and
 AA-7337 Parcel A;
 Sec. 36, all.
 Containing approximately 5,401 acres.

T. 1 S., R. 2 E. (Partially Surveyed)

Sec. 1, all;
 Sec. 2, E $\frac{1}{2}$; W $\frac{1}{2}$ excluding lot 1 and the
 Copper River;
 Sec. 3, N $\frac{1}{2}$ excluding the Copper River;
 SE $\frac{1}{4}$ excluding lots 3 and 4 and the
 Copper River;
 Sec. 4, N $\frac{1}{2}$ excluding lot 1 and the Copper
 River; NE $\frac{1}{4}$ SW $\frac{1}{4}$ excluding lot 4 and the
 Copper River; N $\frac{1}{2}$ SE $\frac{1}{4}$ excluding lots 2
 and 3 and the Copper River;
 Sec. 11, N $\frac{1}{2}$ excluding lots 1 and 2 and the
 Copper River; SE $\frac{1}{4}$ excluding lots 4 and 5
 and the Copper River;
 Sec. 12, N $\frac{1}{2}$; SW $\frac{1}{4}$ excluding lot 1 and the
 Copper River; SE $\frac{1}{4}$ excluding the Copper
 River;
 Sec. 13, NE $\frac{1}{4}$ excluding lot 3 and the
 Copper River; SE $\frac{1}{4}$ excluding lots 3 and 4
 and the Copper River;
 Sec. 35, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, excluding Native
 allotment application AA-5619;
 Sec. 36, lot 6, NW $\frac{1}{4}$ NW $\frac{1}{4}$, excluding
 Native allotment application AA-5619.
 Containing approximately 2,663 acres.
 Aggregating approximately 77,408 acres.

The conveyance issued for the surface
 estate of the lands described above
 shall contain the following reservations
 to the United States:

1. The subsurface estate therein, and
 all rights, privileges, immunities, and
 appurtenances, of whatsoever nature,

accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in casefile AA-6658-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: Travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site—The uses allowed for a site easement are: Vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

Site Easement (Airstrip)—The uses allowed for a site easement are: Aircraft landing, vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

a. (EIN 1 C5, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from the left bank of the Copper River in Sec. 18, T. 2 N., R. 1 E., Copper River Meridian, northeasterly to public lands in T. 3 N., R. 2 E., Copper River Meridian. The trail passes into T. 3 N., R. 1 E., an Ahtna, Inc. regional selection, and is identified as EIN 36 D9 in this selection. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 2 C5) A one (1) acre site easement upland of the ordinary high

water mark in Sec. 24, T. 1 N., R. 1 E., Copper River Meridian, on the left bank of the Copper River at the mouth of the Nadina River. The uses allowed are those listed above for a one (1) acre site easement.

c. (EIN 2a C5) An easement for an existing access trail twenty-five (25) feet in width from the left bank of the Copper River and site EIN 2 C5 in Sec. 24, T. 1 N., R. 1 E., Copper River Meridian northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

d. (EIN 2b C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 32, T. 1 N., R. 2 E., Copper River Meridian, on the left bank of the Copper River. The uses allowed are those listed above for a one (1) acre site easement.

e. (EIN 2c C5) An easement for an existing access trail twenty-five (25) feet in width from the left bank of the Copper River at site EIN 2b C5 in Sec. 32, T. 1 N., R. 2 E., Copper River Meridian northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

f. (EIN 5 C5, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from road EIN 11 C3, C5, D1, D9, L (the Klutina Lake Road) in Sec. 14, T. 1 N., R. 2 W., Copper River Meridian, northwesterly to Hudson Lake and site EIN 5a, C5, D1, D9, thence northwesterly to public lands in Sec. 35, T. 2 N., R. 3 W., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

g. (EIN 5a C5, D1, D9) A site easement upland of the ordinary high-water mark in Sec. 6, T. 1 N., R. 2 W., Copper River Meridian, on the east shore of Hudson Lake. The site is one (1) acre in size with a 25-foot easement on the bed of the lake along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site.

h. (EIN 5c C5, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from public lands in Sec. 32, T. 2 N., R. 2 W., Copper River Meridian, southwesterly to public lands in T. 1 N., R. 3 W., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

i. (EIN 10 C5) A site easement for a bush airstrip two hundred and fifty (250) feet in width and three thousand (3,000) feet in length located in Sec. 19, T. 1 S., R. 2 W., Copper River Meridian, adjacent to road EIN 11 C3, C5, D1, D9, L. This size is minimum for safe public

use of this airstrip. The uses allowed are those listed above for an airstrip site.

j. (EIN 10a C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 19, T. 1 S., R. 2 W., Copper River Meridian, on the left bank of the Klutina River adjoining the west end of airstrip EIN 10 C5. The uses allowed are those listed above for a one (1) acre site.

k. (EIN 11 C3, C5, D1, D9, L) An easement sixty (60) feet in width for an existing road from the Copper Center area in Sec. 12, T. 2 N., R. 1 W., Copper River Meridian, southwesterly to site EIN 10a C5, on the Klutina River near Klutina Lake. The uses allowed are those listed above for a sixty (60) foot wide road easement.

l. (EIN 12 C5, L) An easement fifty (50) feet in width for existing powerlines and telephone lines roughly paralleling the Richardson Highway from Sec. 36, T. 3 N., R. 1 W., southerly to Sec. 28, T. 1 N., R. 1 E., Copper River Meridian. The uses allowed are those associated with operation and maintenance of power and telephone line facilities.

m. (EIN 12a C5, L) An easement fifty (50) feet in width for existing telephone lines roughly paralleling the old Edgerton Cutoff from Sec. 36, T. 1 N., R. 1 E., Copper River Meridian, southerly to Sec. 31, T. 1 S., R. 3 E., Copper River Meridian. The uses allowed are those activities associated with operation and maintenance of telephone line facilities.

n. (EIN 12b C5, L) An easement fifty (50) feet in width for existing powerlines and telephone lines roughly paralleling the Edgerton Highway from Sec. 2, T. 2 S., R. 2 E., Copper River Meridian, northeasterly to Sec. 31, T. 1 S., R. 3 E., Copper River Meridian. The uses allowed are those activities associated with operation and maintenance of power and telephone line facilities.

o. (EIN 17 C5) An easement for a proposed access trail twenty-five (25) feet in width from Copper Center southwesterly to isolated public lands in Secs. 25, 26, 27, 34, 35, and 36, T. 2 N., R. 1 W., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

p. (EIN 21 E) An easement for an existing access trail twenty-five (25) feet in width from site EIN 10a C5 in Sec. 19, T. 1 S., R. 2 W., Copper River Meridian, southwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

q. (EIN 22 E) An easement for a proposed access trail twenty-five (25) feet in width from road EIN 11 C3, C5, D1, D9, L in Sec. 17, T. 1 S., R. 2 W., Copper River Meridian, northwesterly to

public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

r. (EIN 23 D1) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 2 C5 in Sec. 24, T. 1 N., R. 1 E., Copper River Meridian, northerly to public lands in Sec. 1, 2, 11, 12, and 13, T. 1 N., R. 1 E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

s. (EIN 24 D1) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 1, T. 1 N., R. 1 E., Copper River Meridian, northeasterly to Sec. 31, T. 2 N., R. 2 E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands.

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

4. An easement for highway purpose, including appurtenant protective, scenic and service areas, extending one hundred fifty (150) feet each side of the centerline of the Richardson Highway, as established by Public Land Order 1613 (23 FR 2376), pursuant to the Act of August 1, 1956, (70 Stat. 898) and transferred to the State of Alaska pursuant to the Alaska Omnibus Act, Pub. L. 86-70 (73 Stat. 141), located in the following lands:

Copper River Meridian, Alaska

T. 1 N., R. 1 E.

Sec. 5, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 2 N., R. 1 E.

Sec. 19, lots 2, 3, 4, 6 and 7, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 30, lot 2, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 32.

T. 2 N., R. 1 W.

Sec. 1, lot 1;
Sec. 12, lot 2.

5. Any right-of-way interest in the Edgerton Highway and Cutoff (FAS No. 851) transferred to the State of Alaska by the quitclaim deed dated June 3, 1959 executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Pub. L. 86-70 (73 Stat. 141) located in the following lands:

Lot 6 of U.S. Survey 3579, Copper River Meridian, Alaska

T. 1 N., R. 2 E.

Sec. 31.

T. 1 S., R. 2 E.

Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 15, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 22, SE $\frac{1}{4}$;
Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$;
Sec. 36, lots 8 and 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

6. Those rights for pipeline purposes, and related facilities, granted to Amerada Hess Corporation, ARCO Pipeline Company, Exxon Pipeline Company, Mobil Alaska Pipeline Company, Phillips Petroleum Company, Sohio Pipeline Company, and Union Alaska Pipeline Company, their successors and assigns, by the Agreement and Grant dated January 23, 1974, as modified April 27, 1979, pursuant to Sec. 28 of the Mineral Leasing Act (30 U.S.C. 185), as amended November 16, 1973 (87 Stat. 576), more specifically identified as follows:

a. Oil transportation pipeline, AA-5847, located in:

Copper River Meridian, Alaska

T. 1 N., R. 1 E.

Sec. 6, lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 2 N., R. 1 E.

Sec. 30, lot 5;
Sec. 31, lots 1 to 4, inclusive, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 2 N., R. 1 W.

Sec. 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 3, lots 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$;
Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 11, lot 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24, lots 2 and 7;
Sec. 25, lots 1 and 5, E $\frac{1}{2}$ SE $\frac{1}{4}$.

b. Remote control block valve No. 109, AA-8624, and Communications Site AA-8504, located in lot 2, Sec. 24, T. 2 N., R. 1 W., Copper River Meridian.

7. Those access road rights-of-way fifty (50) feet in width granted to Alyeska Pipeline Service Company pursuant to Sec. 28 of the Mineral Leasing Act, (30 U.S.C. 185) as amended November 16, 1973 (87 Stat. 576), more specifically identified as follows:

a. AA-8844, located in lot 3 Sec. 6, T. 1 N., R. 1 E., and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, T. 2 N., R. 1 E., Copper River Meridian;

b. AA-8845, located in lots 3 and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, T. 2 N., R. 1 E., and E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 25, T. 2 N., R. 1 W., Copper River Meridian; and

c. AA-8846, located in lots 1, 2 and 7 Sec. 24, T. 2 N., R. 1 W., Copper River Meridian.

8. Those rights for pipeline purposes as have been issued to the owners of the Trans-Alaska Pipeline, their successors and assigns, pursuant to Sec. 28, of the Mineral Leasing Act (30 U.S.C. 185) as amended November 16, 1973 (87 Stat. 576), for construction zone permit, AA-9149.

9. A right-of-way, AA-5663, one-hundred fifty (150) feet in width for a Federal Aid Highway and Material Site. Act of August 27, 1958, 23 U.S.C. 317, located in the following lands:

Copper River Meridian, Alaska

T. 1 N., R. 1 E.

Sec. 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 2 N., R. 1 E.

Sec. 19, lots 2 and 3;
Sec. 30, lots 1, 2 and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 31, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 32.

10. A right-of-way, A-064372, for a Federal Aid Material Site. Act of August 27, 1958, 23 U.S.C. 317, located in lot 2 Sec. 19, T. 2 N., R. 1 E., Copper River Meridian.

11. A right-of-way, AA-12692, for an electrical transmission line, including three distribution lines, two substations and areas for guy wires, granted to the Copper Valley Electric Association pursuant to the Act of October 21, 1976 (90 Stat. 2743), located in the following lands:

Copper River Meridian, Alaska

T. 1 N., R. 1 E.

Secs. 6, lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 2 N., R. 1 E.

Secs. 31, lots 1 to 4, inclusive, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 2 N., R. 1 W.

Secs. 3, lots 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
Secs. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Secs. 11, W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 14, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 24, lots 3, 5 and 7;
Secs. 25, lots 1 and 5, E $\frac{1}{2}$ SE $\frac{1}{4}$.

12. An easement and right-of-way to operate, maintain, repair and patrol an

overhead open wire and underground communication line or lines, and appurtenances thereto, in, on, over and across a strip of land fifty (50) feet in width, lying twenty-five (25) feet on each side of the centerline of the Alaska Communication System's open wire or pole line and/or buried communication cableline, conveyed to RCA Alaska Communications, Inc. by Easement Deed dated January 10, 1971, AA-6188, pursuant to the Alaska Communications Disposal Act (81 Stat. 441; 40 U.S.C. 771, et seq.) located in:

Copper River Meridian, Alaska

T. 1 N., R. 1 E.

Sec. 5, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 27, W $\frac{1}{2}$ SW $\frac{1}{4}$;

T. 2 N., R. 1 E.

Sec. 19, W $\frac{1}{2}$;
Sec. 30, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 31, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 32, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 2 N., R. 1 W.

Sec. 1, NW $\frac{1}{4}$ west and south of the Copper River, SW $\frac{1}{4}$ NE $\frac{1}{4}$ south of the Copper River, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 12, NE $\frac{1}{4}$ west of the Copper River.

Kluti-Kaah Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 106,638.69 acres. The remaining entitlement of approximately 8,561.31 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to AHTNA, Inc. when the surface estate is conveyed to Kluti-Kaah Corporation, and shall be subject to the same conditions as the surface conveyance.

Within the above described lands, only the following inland water bodies are considered to be navigable:

Copper River and all of its interconnecting sloughs,
Klutina River and all of its interconnecting sloughs and
Klutina Lake.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the COPPER VALLEY VIEWS, the ANCHORAGE DAILY NEWS and the TUNDRA TIMES. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board,

P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until May 19, 1980 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Kluti-Kaah Corporation, Drawer G, Copper Center, Alaska 99573

AHTNA, Inc., Drawer G, Copper Center, Alaska 99573

State of Alaska, Division of Forest, Land and Water Management, Department of Natural Resources, 323 East Fourth Avenue, Anchorage, Alaska 99501

Ricky M. Elliott,

Chief, Branch of Adjudication.

[FR Doc. 80-11916 Filed 4-17-80; 8:45 am]

BILLING CODE 4310-84-M

Montana; Wilderness Inventory

April 9, 1980.

ACTION: Notice of public hearings on the wilderness suitability recommendations for Bear Trap Canyon and Humbug Spires Instant Study Areas (ISA's).

SUMMARY: The Montana State Office of the Bureau of Land Management (BLM) announces the completion of the Draft Wilderness Suitability Reports/Environmental Impact Statements for the Humbug Spires and Bear Trap Canyon Instant Study Areas. These areas are both located in the Butte, Montana, BLM District and have been administered as primitive areas since September 1972.

As required by Section 3(d) of the Wilderness Act of 1964, public hearings

will be held May 20, 1980, in Butte, Montana, and May 21, 1980, in Bozeman, Montana, on the Draft Wilderness Suitability Reports/Environmental Impact Statements for these two areas. In addition to the public hearings, there will be two informational meetings May 13 and 14, 1980, in Dillon, Montana, and Ennis, Montana, respectively.

The wilderness suitability study was conducted under the authority granted in Section 603 of the Federal Land Policy and Management Act of October 21, 1976, and follows the guidelines provided in the document entitled "Procedures for Wilderness Review of Primitive and Natural Areas Formally Identified by the BLM Prior to November 1, 1975," dated May 1979.

The Humbug Spires ISA is characterized by hundreds of majestic white granite spires, nine of which are over 300 feet high. The largest spire, "The Wedge" rises to over 600 feet above its immediate surroundings. These granite spires, for which the area is named, provide outstanding opportunities for hardrock climbing and are the major attraction of the area.

Bear Trap Canyon is a majestic nine mile gorge cut through the Madison Range by the Madison River. In places the canyon walls rise to almost 1,500 feet above the river. The river itself has been classified as a "Blue Ribbon Trout Stream" by the Montana Stream Classification Committee. The quality fishing and the rugged natural beauty of the canyon combine to provide outstanding opportunities for primitive recreation.

The Humbug Spires ISA contains 11,175 acres of public land, and has a 160-acre private inholding.

The Bear Trap Canyon ISA contains 4,015 acres of public land.

RECOMMENDATIONS: 3,922 acres of the Bear Trap Canyon ISA have been recommended as suitable for designation by Congress and, in addition, 1,797 acres of adjacent National Forest land are recommended for consideration for designation, pending release of the Forest Service Wilderness Study, by Congress as part of the National Wilderness Preservation System. 9,648 acres of the Humbug Spires ISA have been recommended as suitable for designation as part of the National Wilderness Preservation System.

EFFECTIVE DATES: The publication of this notice in the Federal Register marks the beginning of a 60-day comment period on the Draft Wilderness Suitability Reports/Environmental Impact Statements for the Humbug Spires and Bear Trap Canyon ISA's.

Public Hearings

May 20, 1980, 7:00 P.M., Butte District Office, Butte, Montana

May 21, 1980, 7:00 P.M., Holiday Inn, Bozeman, Montana

Informational Meetings

May 13, 1980, 7:00 P.M., St. Rose Family Center, Dillon, Montana

May 14, 1980, 7:00 P.M., Ennis High School, Ennis, Montana

ADDITIONAL INFORMATION: Copies of the draft reports may be obtained by writing to: Bureau of Land Management, Butte District Office, P.O. Box 3388, Butte, Montana 59701.

Jack A. McIntosh,
Acting State Director.

[FR Doc. 80-11464 Filed 4-17-80; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf; Availability of Draft Environmental Statement and of Intent to Hold Public Hearings Regarding Proposed Oil and Gas Lease Sale No. 53

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental statement relating to a proposed Outer Continental Shelf oil and gas lease sale of 243 tracts of submerged Federal lands off the coast of northern and central California.

Single copies of the draft statement can be obtained from the Office of the Manager, Pacific OCS Office, Bureau of Land Management, 1340 W Sixth St., Room 200, Los Angeles, California 90017 and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for public review at the following locations: Crescent City Public Library, 450 H St., Crescent City, CA; North Coast Regional Coastal Commission, 1656 Union St., Eureka, CA; Humboldt State University Library, Documents Department, Arcata, CA; Mendocino County Library, 353 North Main, Ft. Bragg, CA; Mendocino Environmental Center, Mendocino, CA; Ukiak Library, 105 N. Main, Ukiah, CA; Coastal Planning Office, 311-G Redwood Avenue, Ft. Bragg, CA; North Bay Cooperative Library System, Third & E Sts., Santa Rosa, CA; Bodega Bay Volunteer Fire Dept., Highway One, Bodega Bay, CA; Sebastopol Public Library, 7140 Bodega Avenue, Sebastopol, CA; Petaluma Free Library, Fourth & 'B' Sts., Petaluma, CA; Healdsburg Library, 221 Matheson St., Healdsburg, CA; Mill Valley City Library, 26 Corte Madera Avenue, Mill

Valley, CA; Fairfax Library, 2097 Sir Francis Drake Blvd., Fairfax, CA; Novato Library, 1720—11 Blvd., Novato, CA; Stinson Library, 3470 Shoreline Hwy., Stinson Beach, CA; Corte Madera Library, 707 Meadowsweet Dr., Corte Madera, CA; Salinas Library, 110 W. San Luis St., Salinas, CA; Monterey Public Library, 625 Pacific St., Monterey, CA; Bruggemeyer Memorial Library, 318 S. Ramona, Monterey Park, CA; Association of Monterey Bay Area Governments, Monterey, CA; Pacific Grove Library, 550 Central Avenue, Pacific Grove, CA; Grover City Library, 101 S. Ninth St., Grover City, CA; Morro Bay Library, 410 Morro Bay Blvd., Morro Bay, CA; Nipomo Elementary School, County Library, 333 West Tefft, Nipomo, CA; California Polytechnic State University Library, San Luis Obispo, CA; San Luis Obispo City-County Library, 1354 Bishop St., San Luis Obispo, CA; Environmental Center of San Luis Obispo County, 985 Palm, San Luis Obispo, CA; Pismo Beach City Library, 1000 Bellow Avenue, Pismo Beach, CA; Goleta Public Library, 500 N. Fairview Avenue, Goleta, CA; Santa Maria Public Library, 420 S. Broadway, Santa Maria, CA; Santa Barbara Public Library, Santa Barbara Campus, Santa Barbara, CA; South Central Coast Regional Commission, 1224 Coast Village Circle, Suite 36, Santa Barbara, CA; California State Lands Commission, 1807 13th St., Sacramento, CA; California State Law Library, Sacramento, CA; Point Reyes Library, 4th & A Sts., Point Reyes, CA; Marin County Library, Pacific Center Branch, Civic Center, San Rafael, CA; North Central Coast Regional Commission, Holiday Plaza Office Bldg., Suite 130, 1050 Northgate Dr., San Rafael, CA; University San Francisco, Richard A. Gleeson Library, 2130 Fulton, San Francisco, CA; California Coastal Zone Commission, 631 Howard St., San Francisco, CA; San Francisco Public Library, Civic Center, San Francisco, CA; Oakland Public Library, 125 14th St., Oakland, CA; University of California, Earl Warren Legal Center Law Library, 232 Boalt Hall, Berkeley, CA; Richmond Public Library, Civic Center Plaza, Richmond, CA; Pacifica Public Library, Hilton at Palmetto, Pacifica, CA; Pescadero Public Library, North Road, Pescadero, CA; San Mateo Public Library, 55 West Third, San Mateo, CA; Redwood City Library, 881 Jefferson Avenue, Redwood City, CA; San Jose State University Library, 250 S. 4th St., San Jose, CA; McHenry Library, University of California, Santa Cruz, CA; Santa Cruz Public Library, 224 Church St., Santa Cruz, CA; Central

Coast Regional Commission, 701 Ocean St., Room 300, Santa Cruz, CA.

In accordance with 43 CFR 3314.1, public hearings will be held in June 1980 in several coastal communities, for the purpose of receiving comments and suggestions relating to the draft statement. The exact locations and dates of these hearings will be announced at a later date. Comments concerning the statement will be accepted until July 3, 1980, and should be sent to the Manager, Pacific OCS Office, at the above listed address.

After the public hearings are held and comments have been received and considered, a final environmental statement will be prepared.

Dated: April 2, 1980.

Ed Hastey,

Associate Director, Bureau of Land Management.

Approved: James H. Rathlesberger, Special Assistant to Assistant Secretary of the Interior.

April 15, 1980.

[FR Doc. 80-11729 Filed 4-17-80; 8:45 am]

BILLING CODE 4310-84-M

[M 46270]

Montana, Coal Exploration License Application; Invitation

April 11, 1980.

Members of the public are hereby invited to participate with Shell Oil Company in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in Big Horn County, Montana:

T. 9 S., R. 38 E., P.M.M.,
Sec. 13: SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 24: Lot 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25: E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 36: Lots 1, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 9 S., R. 39 E., P.M.M.,
Sec. 20: E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 28: SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29: Lot 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 33: Lot 3, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34: Lot 1.

Any party electing to participate in this exploration program shall notify, *in writing*, both the State Director, Bureau of Land Management P.O. Box 30157, Billings, Montana 59107, and Vice President, Mining, Shell Oil Company, P.O. Box 2906, Houston, Texas 77001. Such written notice must refer to serial number M 46270 and be received no later than 30 calendar days after the publication of this Notice in the *Federal Register* or 10 calendar days after the last publication of this Notice in this newspaper, whichever is later. This Notice will be published for two consecutive weeks.

This proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by U.S. Geological Survey and the Bureau of Land Management. Copies of the exploration plan as submitted by Shell Oil Company may be examined during normal business hours at the Bureau of Land Management State Office, Granite Tower Building, 222 North 32nd Street, Billings Montana.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 11998 Filed 4-17-80; 8:45 am]

BILLING CODE 4310-84-M

[N-1280]

Nevada; Classification Partially Revoked and Lands Open To Entry

On June 27, 1968 (FR Vol. 33, No. 125, Pages 9415 and 9416) the following described land was classified for multiple use management under the Act of September 19, 1964 and segregated from appropriation under the agricultural land laws and from sale under R.S. 2455:

Mount Diablo Meridian, Nevada

T. 23 N., R. 20 E.,

Sec. 15, E $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

The land described aggregates 320 acres.

Review and evaluation of the land use capabilities of the above described land indicates that the classification is no longer valid and it is hereby revoked.

The land is now open to the operation of the public land laws, subject to valid existing rights and the requirements of applicable law. The land has been open continually to the mining laws and to applications and offers under the mineral leasing laws. All valid applications received at or before 10 a.m. on May 28, 1980 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land lies within Warm Springs Valley which has been identified by the State of Nevada, Department of Conservation and Natural Resources, Division of Water Resources as designated groundwater basin #84. This basin is considered a critical area within Nevada where groundwater appropriations are generally not being allowed. Applications to appropriate water for irrigation purposes within this basin have been denied by the Division of Water Resources.

Inquiries concerning this land should be addressed to Chief, Division of

Technical Services, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, NV 89520.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 80-11998 Filed 4-17-80; 8:45 am]

BILLING CODE 4310-84-M

[ES 12641]

Alabama; Order Providing for Limited Opening of Public Lands

Correction

In FR Doc. 80-9880 appearing at page 21717 in the issue of Wednesday, April 2, 1980, on page 21717, in the third column, third complete paragraph line one, "at 10 a.m. on (30 days from date of publication)," should be corrected to read "at 10 a.m. on May 2, 1980,".

BILLING CODE 1505-01-M

Fish and Wildlife Service

Currituck Outer Banks, Currituck County, N.C.; Proposed National Wildlife Refuge; Draft Environmental Impact Statement; Comment Period Extended

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the comment period on the DEIS on a proposed NWR on the Currituck Outer Banks, Currituck County, N.C. has been further extended from April 1, 1980 to May 15, 1980. Agency, organization and individual comments are requested.

The Statement discusses a Proposed Action by the Fish and Wildlife Service to protect and preserve approximately 15,880 acres of Barrier Beach located in Currituck County, North Carolina. Addressed in the Draft Environmental Impact Statement are alternatives each involving varying degrees of land acquisition. Acquired lands would become part of the National Wildlife Refuge System. The "No Action" alternative discusses environmental consequences if no Federal Action were initiated. Other alternatives range from acquisition of private conservation land, to acquisition of all tracts located between Corolla, North Carolina and the Virginia state line plus certain wetlands to the south. Discussed in the Environmental Impact Statement are the ecological impacts of present and proposed development along with the projected socioeconomic implications of acquisition were to occur. Also included

is a discussion of management plans and mitigation measures to be initiated for each alternative.

DATES: The written comment period has been further extended by the Fish and Wildlife Service to May 15, 1980. A Notice of Availability was published on January 3, 1980 (45 FR 845). At that time, the normal agency comment period of 60 days was extended thirty days to April 1, 1980 at lead agency discretion. Notice of Public Hearing was published on February 7, 1980 (45 FR 8363) and hearings were held respectively at Arlington, Va., Raleigh, N.C. and Currituck, N.C. on February 21, February 25 and February 27, 1980. The hearing record remained open until April 1, 1980.

ADDRESS: Comments should be addressed to: Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, MA 02158.

FOR FURTHER INFORMATION CONTACT:

Mr. David Janes, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, MA 02158, (617) 965-5100 ext. 300.

Individuals wishing copies of this EIS for review should immediately contact the above individual. Copies have been sent to all agencies, organizations and individuals who participated in the scoping process and in the review process to date.

SUPPLEMENTAL INFORMATION: David Janes is the primary author of this Document. The FWS has extended the comment period until May 15, 1980 on its Draft EIS on its proposal to establish a NWR on the Currituck Outer Banks, Currituck, N.C.

Description and procedural background on the FWS proposal can be found in the following Federal Register publications:

44 FR 170, August 30, 1979—Notice of Intent
45 FR 845, January 3, 1980—Notice of Availability
45 FR 8363, February 7, 1980—Notice of Public Hearing

The magnitude of the FWS proposal, complexity of issues and degree of public interest has generated considerable comment on the DEIS to date. Extending the comment period an additional 45 days from April 1, 1980 to May 15, 1980 assures that all interested parties, from both private and public sectors, will have the opportunity to present their comments for preparation of the final EIS.

Regulations for implementing the procedural provisions of the National Environmental Policy Act (43 FR 55978-56007, November 29, 1978) provide for the FWS, as lead agency, to extend the prescribed periods for comment

[§ 1506.10(d)]. The CEQ regulations also state the agency may adjust time limits appropriate to individual actions [§ 1501.8(b)(1)(vii) and § 1501.8(b)(2)(iv)].

CEQ regulations caution, however, that agencies shall reduce delay by . . . "establishing appropriate time limits for the EIS process" [§ 1500.5(e)]. Further, CEQ states ". . . Failure to file timely comments shall not be a sufficient reason for extending a period." [§ 1506.10(d)].

In order to meet the requirements of the National Environmental Policy Act, no further extensions of the comment period will be provided beyond May 15, 1980.

All agencies and individuals who have not yet commented on the FWS proposal set out in the DEIS are urged to do so at the earliest possible date. Comments received through May 15, 1980 will be considered in preparation of the Final EIS for the Proposed Action.

Howard N. Larsen,
Regional Director.

[FR Doc. 80-11734 Filed 4-17-80; 8:45 am]
BILLING CODE 4310-55-M

Geological Survey

Disposal of Outer Continental Shelf (OCS) Federal Royalty Oil

By Notice published in the *Federal Register* on February 11, 1980, the Geological Survey (GS) advised that it had come to its attention that many refiners who might otherwise be eligible for an allocation of OCS royalty oil did not then and would be unable to obtain a formal certification from the Economic Regulatory Administration (ERA) of new and/or expanded operable refinery capacity by the critical date of April 1, 1980. In order not to penalize unduly those refiners in this position, the Notice established a procedure by which these refiners could qualify their new or expanded operable refining capacity by means of an interim determination by ERA. Specifically, the Notice required with respect to OCS royalty oil that, in order receive this consideration, an applicant refiner was required to file with ERA a request for (1) a formal certification by no later than February 18, 1980, (allowed through close of business (COB), February 19, because February 18 was a Federal holiday) and (2) an interim determination by no later than March 10, 1980. The requests for interim determinations were to be accompanied by certain data and

documents which were specified by the Notice.

ERA is now adjudicating those requests for interim determinations which were received timely (provided that the related request for a formal certification was also received timely) for new and/or expanded refining capacity which is or was to be operable by April 1, 1980. In order to provide those applicants who filed the required requests timely with every opportunity to participate in the allocation of OCS royalty oil, it has been decided to permit those refiners who timely filed for a certification of refinery capacity for an interim determination and whose refinery was operable by April 1, 1980, an opportunity to supplement their original requests for interim determinations in one respect. Specifically, ERA will entertain the submittal of crude run data to supplement the data previously supplied in response to Item No. 6 of the *Federal Register* Notice published on February 11, 1980.

This additional crude run data must be received in the Branch of Refinery Operations, Economic Regulatory Administration, Department of Energy, Room 6128, 2000 M Street, N.W., Washington, D.C. 20461, by COB on May 5, 1980. In order to be acceptable, the data for the new or expanded refining crude capacity must either by (1) a continuous test run of at least 2 consecutive days utilizing the capacity of the crude distillation units or (2) a record of the actual runs to the total capacity of crude distillation units for a minimum of 3 stream days during a consecutive 30-day period. This crude run data may be based on recent tests or runs or on tests or runs made after this notification. Moreover, this data may be historic provided that subsequent thereto the facility was not (1) shut down for a period of 18 consecutive months or longer or (2) modified to any significant degree. If there are any questions, call John Price at (703) 860-7549. A resume of the data submitted should provide the information in the following format:

Résumé of Actual Test or Run Data

1. Material (Yield) Balance for Test Period ——— BPSD.
2. A certification by an authorized official of the refiner that the above data is correct and that the products and/or streams from the crude distillation units met the refiner's quality specifications.

Report—Actual Test or Run Data

1. Name and address of refinery:
2. Claimed capacity ——— barrels per stream day. New () Expanded ()

3. Date(s) of test: runs:
4. Accounting material (yield) balance around total crude capacity of crude unit(s):
Barrels per stream day
Day 1 Day 2 Day 3 Average

Crude Inputs

Other

Products (streams)
(List individually)

- A. _____
- B. _____
- C. _____
- D. _____

Loss (gain)

Total products ———

5. Relate the claimed capacity to the process flow diagram submitted pursuant to item number 3 of the February 11, 1980; *Federal Register* Notice (45 F.R. 9122). That is, describe the additional equipment or modifications which provide the crude processing capacity claimed.

6. The refiner attests that during the claimed capacity runs, the following was true:

- (1) Downstream processes and support facilities (storage, loading facilities, etc.) were logistically capable of supporting the productions from the crude distillation unit(s).
- (2) Products and/or streams from the crude distillation unit(s) met the refiner's quality specifications.
7. I, ——— (Company officer) ———, certify that the above information is true and accurate.

Dated: April 16, 1980.

John Duletsky,

Acting Chief, Conservation Division,
Geological Survey.

[FR Doc. 80-12065 Filed 4-17-80; 8:45 am]
BILLING CODE 4310-31-M

Memorandum of Understanding Between the National Bureau of Standards, Department of Commerce, and the Geological Survey, Department of the Interior, Regarding Standardization of Data Elements and Representations for Use in Automated Earth Science Systems

Cross Reference: For a document regarding Memorandum of Understanding between the National Bureau of Standards, Department of Commerce and the Geological Survey, Department of the Interior, on the above-mentioned subject, see FR Doc. 11904 appearing in the Notices Section of this issue.

BILLING CODE 3510-13-M

Geological Survey**Oil and Gas and Sulphur Operations in the Outer Continental Shelf**

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Ocean Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 073, Block 19, South Pelto Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 10, 1980.

Lowell G. Hammons,
Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-11927 Filed 4-17-80; 8:45 am]

BILLING CODE 4310-31-M

National Park Service**Intention To Negotiate Concession Contract**

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Wien Air Alaska,

authorizing it to continue to provide facilities and services for the public at Katmai National Monument for a period of ten (10) years from January 1, 1981 through December 31, 1990.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Pacific Northwest Regional Office, Fourth and Pike Building, Seattle, Washington 98101.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1980, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Wien Air Alaska, as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of Wien Air Alaska is substantially equal to others received. In the event a responsive proposal superior to that of Wien Air Alaska (as determined by the Secretary) is submitted, Wien Air Alaska will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Wien Air Alaska. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before May 19, 1980 to be considered and evaluated.

Interested parties should contact the Regional Director, Pacific Northwest Region, National Park Service, Fourth and Pike Building, Seattle, Washington 98101, for information as to the requirements of the proposed contract.

Dated: April 14, 1980.

Daniel J. Tobin, Jr.,
Director, National Park Service.

[FR Doc. 80-11944 Filed 4-17-80; 8:45 am]

BILLING CODE 4310-70-M

Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Rainier Mountaineering, Inc., authorizing it to continue to provide mountain guide services for the public at Mount Rainier National Park for a period of five (5) years from November 1, 1980, through October 31, 1985.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Pacific Northwest Regional Office, Fourth and Pike Building, Seattle, Washington 98101.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on October 31, 1980, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Rainier Mountaineering, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of Rainier Mountaineering, Inc., is substantially equal to others received. In the event a responsive proposal superior to that of Rainier Mountaineering, Inc., (as determined by the Secretary) is submitted, Rainier Mountaineering, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Rainier Mountaineering. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before May 19, 1980 to be considered and evaluated.

Interested parties should contact the Regional Director, Pacific Northwest Regional Office, Fourth and Pike Building, Seattle, Washington 98101.

Dated: April 14, 1980.

Daniel J. Tobin, Jr.,

Director, National Park Service.

[FR Doc. 80-11945 Filed 4-17-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 178]

Assignment of Hearings

April 14, 1980.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 11220 (Sub-No. 166F), Gordons Transport, Inc., now assigned for hearing on April 30, 1980 at Memphis, TN in Room No. 404, Holiday Inn Rivermont, 200 West Georgia at Riverside Drive, continued to May 5, 1980 at Atlanta, GA in the Holiday Inn—Airport, 1380 Virginia Avenue, continued to June 19, 1980 at Cincinnati, OH, in the Cincinnati Marriott Inn, 11320 Chester Road, continued to June 16, 1980 at Kansas City, MO, Breckenridge Inn, 1601 North Universal Avenue, continued to July 14, 1980 at New Orleans, LA in the International Hotel, 300 Canal Street, continued to July 21, 1980 at Dallas, TX in the Sheraton Inn—Mockingbird West, 1893 West Mockingbird Lane, and continued to July 28, 1980 at Houston, TX, in the Holiday Inn—Houston Downtown, 801 Calhoun Street.

MC 65802 (Sub-No. 66F), Lynden Transport, Inc., now assigned for hearing on June 5, 1980 at Seattle, WA is advanced to June 2, 1980 (2 days) at Seattle, WA, location of hearing room will be designated later.

MC 145557 (Sub-No. 7F), Liberty Transport, Inc., now being assigned for hearing on July 22, 1980 (1 day) at Kansas City, MO location of hearing room will be designated later.

MC 139495 (Sub-No. 422F), National Carriers, Inc., now being assigned for hearing on July 23, 1980 (3 days) at Kansas City, MO location of hearing room will be designated later.

MC 119700 (Sub-No. 55F), Steel Haulers, Inc., now being assigned for hearing on July 28, 1980 (2 days) at Kansas City, MO location of hearing room will be designated later.

MC 119777 (Sub-No. 383F), Ligon Specialized Haulers, now being assigned for hearing on July 30, 1980 (3 days) at Kansas City, MO location of hearing room will be designated later.

MC 142703 (Sub-No. 16F), Intermodal Transportation Services, Inc., transferred to Modified Procedure.

MC 114569 (Sub-No. 311F), Shaffer Trucking, Inc., transferred to Modified procedure.

MC 123407 (Sub-No. 576F), Sawyer Transport, Inc., transferred Modified procedure.

MC 42487 (Sub-No. 912F), Consolidated Freightways Corporation of Delaware is transferred to Modified Procedure.

MC 125777 (Sub-No. 243F), Jack Gray Transport, Inc., is transferred to Modified Procedure.

MC 103926 (Sub-No. 91F), W. T. Mayfield Sons Trucking Co., now assigned for hearing on May 1, 1980 (1 day) at Atlanta, GA in Room No. 401—4th Floor, 1776 Peachtree Street, NW.

MC 146352 (Sub-No. 2F), Avery Trucking Co., Inc., now being assigned for hearing on May 2, 1980 (1 day) at Atlanta, GA in Room No. 401—4th Floor, 1776 Peachtree Street, NW.

MC 145997 (Sub-No. 4F), J. E. M. Equipment, now being assigned for hearing on July 9, 1980 (1 day) at Orlando, FL location of hearing room will be by subsequent notice.

MC 138627 (Sub-No. 53F), Smithway Motor Xpress, Inc., now being assigned for hearing on July 10, 1980 at Little Rock, AR, location of hearing room will be by subsequent notice.

MC 115322 (Sub-No. 169F), Redwing Refrigerated, Inc., now being assigned for hearing on July 14, 1980 (1 week) at Orlando, FL, location of hearing room will be designated later.

MC 139960 (Sub-No. 1F), Western Pacific Transport Company, now assigned for hearing on July 7, 1980 (2 weeks) at San Francisco, CA.

MC 145004 (Sub-No. 3F), Foredeck Transportation, Inc., now being assigned for hearing on June 3, 1980 (1 day) at St. Louis, MO, location of hearing room will be designated later.

MC 128888 (Sub-4F), Panda Transport, Inc., now assigned for hearing on April 16, 1980 at Washington, DC., is canceled and transferred to Modified Procedure.

MC 45194 (Sub-23F), Lattavo Brothers, Inc., and No. MC 8958 (Sub-33F), The

Youngstown Cartage company, now being assigned for hearing on May 19, 1980 (9 Days), at Columbus, OH., in a hearing room to be designated later and on July 8, 1980 (6 Days), at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 140024 (Sub-145F), J. B. Montgomery, Inc., now assigned for hearing on April 9, 1980 at Washington, DC., is canceled and transferred to Modified Procedure.

MC 31462 (Sub-26F), Paramount Movers, Inc., now assigned for hearing on April 21, 1980 at Ft. Worth, TX., is canceled and transferred to Modified Procedure.

MC 145539 (Sub-1F), Ohio Northern Transit Company, now assigned for hearing on May 13, 1980 at Columbus, OH, is canceled and reassigned for hearing on May 13, 1980 (9 Days), at Cleveland, OH, in a hearing room to be designated later.

MC 134817 (Sub-3F), Owenton Express, Inc., now assigned for hearing on July 7, 1980 (10 days) at Cincinnati, OH in a hearing room to be later designated.

MC 105733 (Sub-72F), Ritter Transportation, Inc., now assigned for hearing on April 14, 1980 (1 week) at Newark, NJ is postponed indefinitely.

MC 146258 (Sub-5F), M. R. Burton, Inc., now being assigned for hearing on June 4, 1980 (1 day) at St. Louis, MO, location of hearing room will be designated later.

MC 106398 (Sub-910F), National Trailer Convoy, Inc., now being assigned for hearing on June 5, 1980 (1 day) at St. Louis, MO location of hearing room will be designated later.

MC 128270 (Sub-35F), Rediehs Interstate, Inc., now being assigned for hearing on June 6, 1980 at St. Louis, MO, location of hearing room will be designated later.

MC 107496 (Sub-1215F), Ruan Transport Corporation, now being assigned for hearing on June 9, 1980 (1 day) at St. Louis, MO location of hearing room will be designated later.

MC 143521 (Sub-1F), Twehous Exgavating Company, Inc., now being assigned for hearing on June 10, 1980 (1 day) at St. Louis, MO location of hearing room will be designated later.

MC 116325 (Sub-80F), Jennings Bond d/b/a Bond Enterprises, now being assigned for hearing on June 11, 1980 at St. Louis, MO, location of hearing room will be designated later.

MC 2253 (Sub-9F), Carolina Freight Carriers Corporation, now being

assigned for hearing on April 14, 1980 at Chicago IL is postponed indefinitely.

MC 67234 (Sub-20F), United Van Lines, Inc., now assigned for hearing on April 8, 1980 at San Francisco, CA is canceled and application dismissed

MC 83539 (Sub-535F), C & H Transportation Co., Inc., and No. MC-124692 (Sub-279F), Sammons Trucking, now assigned for hearing on April 30, 1980 (3 days) at Fort Worth, TX has been canceled and reassigned to April 30, 1980 (8 days) at Dallas, TX, in the Holiday Inn—Downtown, 1015 Elm Street.

MC 45194 (Sub-23F), Lattavo Brothers, Inc., No. MC 8958 (Sub-33F), The Youngston Cartage Co., now assigned for hearing on May 19, 1980 (9 days) at Columbus, OH, Capital University Law School, 665 South High Street.

MC 110325 (Sub-93F), Transcon Lines, now assigned for continued hearing on May 19, 1980 (5 days) at Louisville, KY, Room No. 1052A, Federal Building, Federal Plaza.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-11948 Filed 4-17-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Chattanooga, Tenn.; Joint Newspaper Operating Agreement

Notice is hereby given that the Attorney General has received an application for approval of a joint newspaper operating agreement involving the two daily newspapers in Chattanooga, Tennessee. The application was filed on March 24, 1980 by the Chattanooga News-Free Press Company, publisher of the *Chattanooga News-Free Press*, and the Times Printing Company, publisher of the *Chattanooga Times*. The proposed arrangement provides that the printing and commercial operations for both newspapers will be handled by the News-Free Press. Under the agreement, each newspaper is to retain control over its own editorial policies and news content.

The Newspaper Preservation Act (15 U.S.C. 1801 *et seq.*) requires that joint newspaper operating arrangements such as that proposed by the Chattanooga newspapers have the prior written consent of the Attorney General of the United States in order to qualify for the antitrust exemption provided by the Act. Before granting his consent, the Attorney General must find that one of the publications is a failing newspaper, and that approval of the arrangement

would effectuate the policy and purpose of the Act.

In accordance with the Newspaper Preservation Act regulations, published in the *Federal Register* on January 2, 1974 (28 CFR Part 48), copies of the proposed agreement and other materials filed by the newspapers in support of their application are available for public inspection in the main offices of the newspapers involved and at the Department of Justice. Any person who believes that the Attorney General should or should not approve the proposed arrangement may file written comments stating the reasons why approval should or should not be granted, or requesting that a hearing be held on the application. A request for a hearing must set forth the issues of fact to be determined and the reason that a hearing is believed to be required to determine them. Comments should be filed by mailing or delivering five copies to the Assistant Attorney General in charge of the Justice Management Division, Department of Justice, Washington, D.C. 20530, and must be received by May 19, 1980. Replies to any comments filed on or before that date may be filed on or before June 18, 1980.

Dated: April 10, 1980.

Kevin D. Rooney,
Assistant Attorney General for
Administration.

[FR Doc. 80-12001 Filed 4-16-80; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree and Action To Obtain Damages for Discharge of Pollutants by the City of Danville, Ky.

In accordance with Department policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on March 17, 1980, a proposed consent decree in *United States of America v. City of Danville and Commonwealth of Kentucky*, Civil Action No. 78-9, was lodged with the United States District Court for the Eastern District of Kentucky.

The consent decree requires the City to meet certain deadlines at the existing waste water treatment facilities and to have its new waste water treatment plant operational by June 1980.

The proposed consent decree may be examined at the Office of the United States Attorney for the Eastern District of Kentucky, Lexington, Kentucky; at the Region IV Office of the Environmental Protection Agency, Enforcement Division, 345 Courtland Street, N.E., Atlanta, Georgia 30308; and at the Pollution Control Section, Land and Natural Resources Division of the

Department of Justice, Room 1734, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of 30 days from the date of this notice, comments should be addressed to the Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America v. City of Danville and the Commonwealth of Kentucky*, (E.D. Ky., Civil Action 78-9; D.J. 90-5-1-1-88).

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-12004 Filed 4-17-80; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree and Action To Obtain Damages for Discharge of Pollutants by the Dunn Meat Packers, Inc. of Dunn, N.C.

In accordance with Department policy, 28 C.F.R. § 50.7, 38 Fed. Reg. 19029, notice is hereby given that on March 17, 1980, a proposed consent decree in *United States v. Dunn Meat Packers, Inc.*, Civil Action No. 79-83-Civ-5, was lodged with the United States District Court for the Eastern District of North Carolina, Raleigh Division.

The consent decree requires that Dunn Meat Packers, Inc. pay a civil penalty of \$15,000 for violations of its NPDES permit issued under the Clean Water Act, 33 U.S.C. § 1251 *et seq.*

The proposed decree may be examined at the Office of the United States Attorney for the Eastern District of North Carolina, Raleigh, North Carolina; at the Region IV office of the Environmental Protection Agency, Enforcement Division, 345 Courtland Street, N.E. Atlanta, Georgia 30308; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 1734, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of 30 days from the date of this notice, comments should be addressed to the Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America v. Dunn-Meat Packers, Inc.*

(E.D. N.C. Civil Action 79-83-Civ-5; DJ 90-5-1-1015.

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-12003 Filed 4-17-80; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the location listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local

area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20013.

Signed at Washington, D.C. this 14th day of April 1980.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending April 19, 1980

Name of applicant and location of enterprise	Principal product or activity
Travenca-Pima Industries, Inc., Chandler, Arizona	Textile plant.

[FR Doc. 80-11940 Filed 4-17-80; 8:45 am]

BILLING CODE 4510-30-M

Older Worker Programs

AGENCY: Employment and Training Administration, U.S. Department of Labor.

ACTION: Notice of solicitation for grant applications under section 308 of Comprehensive Employment Training Act (CETA) Projects for Middle-Aged and Older Workers.

SUMMARY: The Department of Labor is soliciting applications for grants under the Projects for Middle-Aged and Older Workers Program authorized by Title III, Section 308 of the Comprehensive Employment and Training Act. A Total of \$2 million has been made available for this competition to operate multi-State programs for older workers.

Grants will not be made for less than \$500,000.

This notice contains or references laws, regulations, guidelines, specifications and schedules to which eligible organizations must adhere in preparing and submitting an application.

DATES: Completed applications must be received by hand no later than 4:30 p.m., June 13, 1980, or postmarked by June 13, 1980.

ADDRESS: Applications must be submitted in the manner set forth herein to: U.S. Department of Labor, Room 6122, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, Attn: Chief, Older Worker Work Group.

FOR FURTHER INFORMATION CONTACT: Ron Ludin, Older Worker Work Group, Room 6122, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376-6232.

SUPPLEMENTARY INFORMATION: Additional information and an attachment containing required forms and instructions for completing an application are available upon request from Ron Ludin, Older Worker Work Group.

(a) *Eligible Applicants.* The Department of Labor will give consideration only to those applications which are submitted by national nonprofit organizations which have multi-State operational capability, have demonstrated experience operating programs for older workers, and who can demonstrate working arrangements with CETA prime sponsors and the private sector for the purpose of developing, initiating, supporting or administering employment/training programs for the older worker clientele.

(b) *Background.* The Projects for Middle-Aged and Older Workers Program has been established pursuant to the Secretary's authority under Title III Section 308 of the Comprehensive Employment and Training Act (CETA). Section 308 of CETA gives the Secretary a broad mandate to provide special innovative programs to provide services to a segment of society which is in need of employment and training services—the older worker.

The Secretary shall make available financial assistance to conduct programs to provide employment opportunities and appropriate training and supportive services through innovative, replicable, multi-State, and multipurpose projects for the older worker. In pursuance of this, the Secretary shall develop and establish programs to facilitate the transition of workers over 55 years of age from one occupation to another within the labor force and/or to facilitate the transition

of such workers from nonparticipation to participation in the labor force including work experience, vocational education, public service employment, on-the-job training, occupational upgrading, job search and placement, technical assistance to employers for establishing flexi-time, job sharing, and other innovative arrangements suited to the needs of older workers; and to develop and establish programs incorporating methods designed to assure increased labor force participation by older workers who are able and willing to work but who have been unable to secure employment or who have been discouraged from seeking employment.

A total of \$2 million has been made available for this competition to operate programs for older workers under Section 308. The Department of Labor does not wish to mandate a single type of program design since one of the intents of this SGA is the development of model programs to serve older workers which can be replicated throughout the country. However, all proposals must demonstrate and incorporate a multi-State design, as this approach would enable the Department of Labor to assess program (design) effectiveness in two or more areas with varying economic, geographic, and demographic factors. Therefore, responses to this SGA may vary in scope and design, so long as the proposed programs are in compliance with applicable laws, regulations, and guidelines.

(c) *General Program Description.* (1) The major purposes of the Projects for Middle-Aged and Older Workers Program are:

(i) To provide low income, unemployed or underemployed older workers as defined in the "(d) Participants Eligibility Selection," with skills by which to obtain permanent unsubsidized employment or, where appropriate, training to improve skill levels and career opportunities.

(ii) To assist older workers who have been excluded from the labor force in the development of basic skills leading to their employability and entry into the labor force.

(iii) To upgrade skills and, in some cases, develop new skills by older workers which in turn will enable them to enter second careers and new avenues of productivity.

(iv) To address specific needs of individuals who have not been in the labor force for a number of years.

(v) To initiate activities that would not normally be undertaken under the auspice of the Comprehensive Employment and Training Act.

(2) Funds for the Section 308 older worker programs will be awarded on a competitive basis to eligible applicants. The major features of the competition are as follows:

(i) Eligible applicants will submit only one application.

(ii) Applications, although not restricted to a dollar level, will, because of the scope of this design, have a floor of \$500,000.

(iii) The period of performance of the grants shall be for 12-months, commencing approximately August 15, 1980.

(iv) Each application will be evaluated and rated on technical content and cost using the rating criteria discussed in the "Application Rating Criteria" section.

(d) *Participant Eligibility.* Participants who are enrolled in programs funded through this solicitation must be individuals 55 years of age or older who are unemployed, underemployed, or economically disadvantaged, who have a family income (exclusive of any income received under a Federal or State welfare or unemployment program) which is not in excess of 125 percent of the poverty level established by the Director of the Office of Management and Budget.

(e) *Submission of Applications.* (1) All completed applications are to be submitted to the Chief, Older Worker Work Group, at the above address in accordance with the terms, conditions, procedures and time frames as stated herein. The application will include:

(i) SF 424, Application for Federal Assistance.

(ii) Narrative Description of the Program.

(iii) Assurances and Certifications.

(iv) ETA 2202, Program Planning Summary.

(v) ETA 5145, Budget Information Summary and backup.

(vi) A brief narrative summary in no more than four pages describing the proposed project.

Note.—The Narrative Summary Shall Be Attached To Application Document. No Application Will Be Given Consideration Without The Inclusion Of This Material.

(2) The Federal government reserves the right to make an award on any complete and technically accurate application submitted. The Federal government also reserves the right to reject any applications received. It is understood that all applications will become a part of the official file on this matter without obligation to the Federal government.

(3) An original of the application must be submitted. The original and all five copies must have original signatures.

Applications must be received by hand 4:30 p.m. on June 13, 1980, or postmarked by June 13, 1980. Additional materials or applications will not be accepted after this time.

(4) At the same time that the application is submitted to the Chief, Older Worker Work Group, a copy shall be sent to the appropriate State and Sub-State A-95 Clearinghouse(s). A brief paragraph to this effect shall be attached to this application.

(5) Copies of the application shall also be submitted to the appropriate Prime Sponsor's Planning Council with a cover letter inviting the Planning Council to comment. The cover letter should ask that any comments be sent directly to the Chief, Older Worker Work Group.

(6) Applicants shall attach to the application sent in response to this Solicitation a brief paragraph stating that applications have been forwarded to the Planning Council, the name and address of the Prime Sponsor Planning Council to whom the applications were sent, and the date they were forwarded.

(7) No application will be accepted if: (i) the application was submitted by other than an organization or agency defined under Section (a), Eligible Applicants; (ii) the administrative costs are more than 15 percent of the total funds requested; (iii) the applications are received after the due date and time.

(8) Funds will not be awarded to supplant or supplement ongoing older worker programs or to duplicate current applicant activities.

(9) If more than one application is received from an organization or agency, only one application will be reviewed and considered for funding. All applications will become the property of the Federal government.

(f) *Application Rating Criteria.* The factors by which applications will be rated, an explanation of these factors, and the total number of points which may be awarded for each factor are as follows:

(1) *Need and Objectives—15 points.* Prior to the development of program strategies, it is necessary to identify the needs of the older worker population. Applications will be judged on the identification of employment and training needs of older workers in the area to be served by the project and how these identified needs are related to the overall program design. Specifically, applications will be evaluated on the degree to which:

(i) The need for a special effort for older workers in the area to be served is demonstrated.

(ii) Program objectives and design are relevant in light of the identified needs.

(iii) Program design includes services geared to the needs of the older workers identified as facing particular disadvantages.

(2) *Innovation—15 points.* One of the purposes of the older worker program is the development and testing of model programs which serve and meet the needs of older workers. From this, the more successful models will be identified and documented for possible replication by other organizations. Specifically, applications will be evaluated on the degree to which:

(i) The program design represents a significant departure from traditional ways of serving older workers.

(ii) The program lends itself to replication.

(iii) The program is multi-State in nature and design.

(iv) The program will include a built-in measurement for evaluation of project design.

(3) *Potential Program Effectiveness—25 points.* Applications will be judged on the effectiveness of the overall program design. Linkages with other service providers will be considered favorably. Additionally, compliance with applicable legislation, regulations, and guidelines will be reviewed.

Specifically, applications will be evaluated by the extent to which:

(i) Recruitment procedures are effective.

(ii) The program will provide comprehensive services.

(iii) The program provides services on a timely basis.

(iv) Program design results in the transition of participants into unsubsidized employment.

(v) Linkages with prime sponsors, community-based organizations, local education agencies, apprenticeship programs and other community resources such as the Work Incentive Program (WIN) and business and industry are developed. (Pursuant to Section 308(b) and Section 1 of this document, entitled Eligible Applicants.)

(vi) The program design reflects a new and effective approach in serving the older worker.

(4) *Administrative Capability—10 points.* Applications will be judged through review of the organizational structure, in terms of the organizations' apparent capability for administering an older worker program and subsponsors' where applicable.

(5) *Staff Capability—10 points.* The proposed program staffing pattern and staff who will be responsible for the operation of the program will be reviewed. In particular, provisions for employing older workers in administrative positions, will be viewed

favorably. Specifically, applications will be evaluated by the degree to which:

(i) Overall staffing patterns are appropriate for the proposed program.

(ii) Older workers may be employed in administrative positions.

(iii) Job descriptions are appropriate for the proposed program and positions.

(iv) Job qualifications match the proposed positions.

(6) *Previous Experience—15 points.*

Since one of the purposes of the older worker program in the development of model programs in order to avoid duplication it is important that organizations have at least 2 years experience in providing services to older workers, as well as demonstrating a working knowledge of the labor market and experiencing prior manpower development, training, and/or career upgrading activities.

Specifically, the applications will be judged by the extent to which:

(i) Previous experience demonstrates a track record in the provision of employment training services or general relates services for older workers.

(ii) Previous experience demonstrates an orientation towards serving economically disadvantaged older individuals.

(iii) Previous experience demonstrates an orientation towards employment and training programs.

(7) *Cost Effectiveness—10 points.*

Applications will be rated on expected cost effectiveness according to which:

(i) The total program cost appears reasonable in consideration of the nature of the program design.

(ii) The budgeted cost categories appear appropriate and reasonable.

(g) *Processing of Grant Applications.* The Office of National Programs shall convene a panel to rank all of the applications which have been received and accepted. Based upon panel recommendations, comments received, and available resources, the Administrator, Office of National Programs, will, after any negotiations deemed appropriate, make grant awards.

(h) *Announcement of Grant Awards.*

After the winning applications have been selected by the Administrator, Office of National Programs, the grant awards shall be publicly announced. Each applicant shall be informed by direct mail of the determination made on its application. The rejection of any application by the Administrator, Office of National Programs, is the final action of the Department of Labor.

(i) *Applicable Regulations.* (1) 20 CFR Part 676 Subparts B through E apply to older worker program grantees. Except as otherwise indicated below, those

portions of Part 676 Subparts B through E which refer to "prime sponsors" do not apply, while those which refer to "recipients" do apply to grants funded through this solicitation.

(2) For purposes of this solicitation, the terms "recipient" and "grantee" are synonymous, as are "subrecipient" and "subgrantee." In addition, whenever the term "grant application," is used for purposes of this solicitation it shall be interpreted to be "grants." Whenever the applicable regulations refer to the "Regional Administrator" this shall be interpreted for purposes of this solicitation, to be the "Grant Officer." Finally, references to the "Regional Solicitor" shall, for purposes of this solicitation, be interpreted to be the "Associate Solicitor for Employment and Training Legal Services."

(3) As interpreted above, 20 CFR Part 676 Subparts B through E shall apply to grants funded through this solicitation, with the following exceptions:

§ 676.37(c)—Recipient contracts and subgrants (subsection concerning contracts or subgrants which extend beyond expiration of the grant).

§ 676.40-2(a)—Administrative costs.

§ 676.40-2(b)—Administrative and travel costs (subsection concerning use of funds for legal or other associated services).

§ 676.40-2-(c)(1)—Administration and travel costs paragraph concerning travel costs of certain governmental officials.

§ 676.42—Administrative annual plan subpart.

§ 676.44(a)—Reporting requirements for prime sponsors (subsection concerning reports used to assess performance).

§ 676.45—Annual plan subpart settlement procedures; terminations of master plan.

Signed at Washington, D.C., this 15th day of April 1980.

Lamond Godwin,

Administrator, Office of National Programs, Employment, and Training Administration.

[FR Doc. 80-11984 Filed 4-17-80; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-80-24-M]

Rio Blanco Oil Shale Co.; Petition for Modification of Application of Mandatory Safety Standard

Rio Blanco Oil Shale Company, 9725 East Hampden Avenue, Denver, Colorado 80231 has filed a petition to modify the application of 30 CFR 57.21-46 (crosscut intervals) to its mine located in Rio Blanco County, Colorado. The petition is filed under section 101(c)

of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns the intervals of crosscuts between entries and between rooms.

2. Petitioner is planning to develop double entries in both the upper and main mine levels. Single entries will be developed in the retort access drifts, instrument raise access drifts, product drift and separator and product pump room access drift.

3. The petitioner requests that allowable crosscut spacing be increased to 200 feet where multiple entries are planned, and that the requirement for crosscuts be waived where single entries are required to effectively isolate the modified *in situ* retorts and the retorting products from the active mine workings.

4. High ventilation rates are planned to enable use of diesel equipment in the face areas and to maintain an acceptable mine environment in active areas.

5. Ventilation plans on file which exceed the requirements for methane dilution comprise an alternate method in lieu of the mandatory safety standard. In this regard, petitioner maintains that the modification requested will not create an unsafe working condition.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 19, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 8, 1980.

Frank A. White,
Director, Office of Standards, Regulations,
and Variances.

[FR Doc. 80-11975 Filed 4-17-80; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-34-C]

S & S Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

S and S Coal Company, R.D. #1, Box 67A2, Williamstown, Pennsylvania 17098 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity, and velocity) to its Buck Mt. Slope located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. Ignition, explosion and mine fire history are non-existent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

Extremely high velocities in small cross-sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. As an alternative method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open cross-cut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the alternative method proposed will at all times provide the same measure of protection for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 19, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 8, 1980.

Frank A. White,
Director, Office of Standards, Regulations,
and Variances.

[FR Doc. 80-11976 Filed 4-17-80; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-43-C]

The Powellton Co.; Petition for Modification of Application of Mandatory Safety Standard

The Powellton Company, P.O. Box 8, Mallory, West Virginia 25634, has filed a

petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Jane Ann mines, numbers 7B, 11, 15A and 17, located in Logan County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The mining heights in petitioner's mines range from 26 to 50 inches with undulating top and bottom conditions.

2. The roofs in these mines are comprised of blue shale and sandstone. No roof falls have occurred in these mines over the past four years.

3. The fire clay bottoms develop severe ruts in the wet areas of each mine.

4. Petitioner states that installation and use of cabs or canopies on coal drills, cutters, scoops, roof bolters, shuttle cars and loaders used in these mines would result in a diminution of safety to the miners affected because:

a. The cab or canopy will reduce the size of the already small operator compartment, causing operator fatigue and forcing parts of the operator's body to protrude from the cab or canopy, exposing the operator to other moving equipment or objects;

b. Canopies installed will come in contact with the roof, destroying the roof control support system or suspended electrical cables; and

c. The canopy may hamper the rapid escape of the equipment operator in the event of an emergency.

5. As an alternative method which will guarantee the safety of the miners affected, petitioner proposes to:

a. Fix a minimum mining height for each type of machine, which defines minimum mining height as the minimum height from the floor of the mine to the bottom of the necessary roof support in which a certain type of equipment can safely operate with a canopy;

b. Apply the minimum mining height for each machine uniformly throughout the mines, all of which exhibit similar characteristics;

c. Install canopies on the mine's equipment wherever conditions in the mines permit its safe usage.

6. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 19, 1980. Comments must be filed with the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 10, 1980.

Frank A. White,

Director, Office of Standards, Regulations,
and Variances.

[FR Doc. 80-11974 Filed 4-17-80; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Request for Nomination of Members

The Assistant Secretary of Labor for Occupational Safety and Health requests nominations for the Advisory Committee on Construction Safety and Health. The function of the committee is to advise the Assistant Secretary on occupational safety and health in construction. Nominations will be accepted in all categories which include: five Employee Representatives, five Employer Representatives, two State Representatives and two Public Representatives. The term of office is two years.

Nominees must have specific experience and be actively engaged in work related to occupational safety or health in the construction industry. No member of the committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule. The category of membership for which the candidate is qualified should be specified in the nomination letter which should come from an organization representative of that particular category. A resume of the nominee's background, experience and qualifications with current address and telephone number should be included with the letter. In addition, the nomination letter shall state that the nominee is aware of the nomination, is willing to serve as a committee member, and appears to have no conflict of interest that would preclude committee membership.

Nominations should be submitted to Ken Hunt, OSHA Division of Consumer Affairs, Room N-3635, U.S. Department of Labor, Washington, D.C., 20210, no later than May 9.

Signed at Washington, D.C., this 14th day of April, 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80-11972 Filed 4-17-80; 8:45 am]

BILLING CODE 4510-26-M

Federal Advisory Council on Occupational Safety and Health; Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under Section 4(a) of Executive Order 11807 of September 28, 1974 (39 FR 35559), Occupational Safety and Health Programs for Federal Employees, will meet on May 6 starting at 9:30 a.m. in Room S4215 ABC, Francis Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. The meeting will be open to the public.

The agenda provides for:

- I. Call to Order
- II. Approval of Minutes (Special Meetings March 21 & 28, 1980)
- III. New Appointments to FACOSH
- IV. Announcements
- V. Committee Reports
 - A. Standing Committee on Federal Accident Reporting System
 - B. Standing Committee on Field Federal Safety and Health Councils
 - C. Standing Committee on Safety and Health Conferences
- VI. New Business

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions received by close of business May 1, 1980, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard by close of business May 1, 1980. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to Ms. Annie Asensio, Executive Director, FACOSH, Department of Labor, OSHA, Room N3423, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone (202) 523-8677.

Signed at Washington, D.C. this 15th day of April, 1980.

Eula Bingham,

Assistant Secretary.

[FR Doc. 80-11971 Filed 4-17-80; 8:45 am]

BILLING CODE 4510-26-M

National Advisory Committee on Occupational Safety and Health; Request for Nomination of Members

The Assistant Secretary of Labor for Occupational Safety and Health requests nominations for the National Advisory Committee on Occupational Safety and Health. The committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act.

Nominations will be accepted in the following categories: Public Representative, Employee Representative, Employer Representative and Safety Representative. The term of office is two years. Nominees must have specific experience and be actively engaged in work related to occupational safety or health. The category of membership for which the candidate is qualified should be specified in the nomination letter which should come from an organization representative of that particular category. A resume of the nominee's background, experience and qualifications with current address and telephone number should be included with the letter. In addition, the nomination letter shall state that the nominee is aware of the nomination, is willing to serve as a committee member, and appears to have no conflict of interest that would preclude committee membership. No member of the committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

Nominations should be submitted to Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N-3635, U.S. Department of Labor, Washington, D.C. 20210, no later than May 9.

Signed at Washington, D.C., this 14th day of April, 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80-11973 Filed 4-17-80; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

Affirmative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of certifications of eligibility to apply for worker adjustment assistance issued during the period April 7-11 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

In the following cases it has been concluded that all of the criteria have been met.

TA-W-7132; April Fashions, Inc., Brooklyn, N.Y.

The investigation was initiated on February 19, 1980 in response to a petition which was filed on behalf of workers at April Fashions, Incorporated, Brooklyn, New York. The workers produced ladies' dresses and sportswear (blouses, skirts, pants, jackets, and vests).

U.S. imports of the following categories of women's, misses' and children's apparel increased in 1978 compared to 1977: dresses, coats and jackets, skirts, blouses and shirts, and slacks and shorts.

The Department surveyed the manufacturers with whom April Fashions, Incorporated contracted for the production of ladies' dresses and sportswear in 1977, 1978 and the first quarter of 1979. The survey revealed that sales of these manufacturers declined in 1978 compared to 1977 and in the first quarter of 1979 compared to the same period in 1978. These manufacturers ceased business entirely by April 1979. A Departmental survey of the major customers of these manufacturers was conducted. The survey revealed that major customers increased their reliance on foreign sources for their supply of ladies' dresses, jackets, shirts, blouses, vests and slacks, in 1978 compared to 1977 and in the first quarter of 1979 compared to the first quarter of 1978, and decreased their reliance on domestic sources during these same time periods.

In this case, therefore, the certifying officer has determined that:

All workers of April Fashions, Incorporated, Brooklyn, New York who became totally or partially separated from employment on or after March 31, 1979 and before November 30, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7084; Benson Shoe Co., Lynn, Mass.

The investigation was initiated on February 12, 1980 in response to a petition which was filed on behalf of workers at Benson Shoe Company, Lynn, Massachusetts. The workers produce women's shoes.

U.S. imports of women's footwear increased absolutely and relative to

domestic production in 1978 compared to 1977 and in 1979 compared to 1978.

A Department survey revealed that customers of Benson Shoe Company increased import purchases of women's shoes absolutely and relative to total purchases in 1979 compared to 1978. Some customers indicated that they intended to increase import purchases in the future.

In this case, therefore, the certifying officer has determined that:

All workers of Benson Shoe Company, Lynn, Massachusetts who became totally or partially separated from employment on or after October 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6901; Dana Corp., New Castle, Ind.

The investigation was initiated on February 1, 1980 in response to a petition which was filed by the United Auto Workers on behalf of workers at the Dana Corporation, New Castle, Indiana. The workers produce carrier cases, differential cases, transmission housings, bell housings and clutch plates.

Data indicates that imports of parts for axles, transmissions and clutches increased absolutely in each year from 1977 to 1979.

Dana Corporation's imports of parts substantially identical with those produced at the New Castle, Indiana plant increased in value in each year from 1977 to 1979. These imported parts represented a significant proportion of total plant production in 1978 and 1979.

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with carrier cases, differential cases, transmission housings, bell housings and clutch plates produced at the New Castle, Indiana plant of the Dana Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act.

In this case, therefore, the certifying officer has determined that:

All workers of the New Castle, Indiana plant of the Dana Corporation who became totally or partially separated from employment on or after June 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7244; F & K Coat Co., Inc., Union City, N.J.

The investigation was initiated on March 3, 1980 in response to a petition which was filed on behalf of workers at F & K Coat Company, Incorporated,

Union City, New Jersey. The workers produce women's coats.

U.S. imports of women's, misses', and children's coats and jackets increased in 1978 compared with 1977.

U.S. imports of women's, misses', and children's raincoats increased in 1979 compared with 1978.

F & K Coat Company is engaged in contract production of coats by a single customer. That customer began importing coats in 1978, and increased imports significantly in 1979, while reducing orders with F & K Coat.

In this case, therefore, the certifying officer has determined that:

All workers of F & K Coat Company, Incorporated, Union City, New Jersey, who became totally or partially separated from employment on or after February 13, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6876; General Electric Co., Madisonville, Ky.

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers in the preliminary assembly and winding departments of General Electric Company, Madisonville, Kentucky. The workers produce fluorescent ballast.

U.S. imports of fluorescent ballast increased in 1979 when compared with 1978. The ratio of U.S. imports to domestic production increased in 1979 compared with 1978.

All production of fluorescent ballast at the Madisonville plant will cease in May, 1980. Transfer of the operations of the coil winding department to the Juarez, Mexico plant were completed in February, 1980. Transfer of preliminary assembly of low voltage ballast began in March, 1980 and is scheduled for completion on May 9, 1980. All other departments will be moved to the General Electric plant in Danville, Illinois. The transfer of departments to Mexico will be completed on May 9, 1980.

Company imports of coil windings, a component of fluorescent ballast, increased in value in 1979 compared with 1978. Company imports of coil windings increased relative to production at the Madisonville plant during the first two months of 1980 compared with the same period in 1979. All fluorescent ballast coil winding has now been transferred to Juarez, Mexico.

In this case, therefore, the certifying officer has determined that

All workers of the preliminary assembly and winding departments of General Electric Company, Madisonville, Kentucky who became totally or partially separated from

employment on or after October 14, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7208; I.L.B. Sportswear, Inc., Chester, N.Y.

The investigation was initiated on February 25, 1980 in response to a petition which was filed on behalf of workers at I.L.B. Sportswear, Incorporated, Chester, New York. The workers sewed ladies' and children's sportswear

U.S. imports of women's, misses' and children's blouses and shirts, coats and jackets, and slacks and shorts increased absolutely in each year from 1975 through 1978. Imports in each category increased relative to domestic production from 1977 to 1978.

U.S. imports of women's, misses' and children's skirts increased absolutely in 1979 compared with 1978.

The Department surveyed customers of I.L.B. Sportswear. Customers (manufacturers) reported that reductions in orders with I.L.B. were the result of their own loss of sales of sportswear. Surveyed customers of these manufacturers increased purchases of imported ladies' and children's sportswear while decreasing purchases from the manufacturers. The primary customer of I.L.B. was certified as eligible to apply for adjustment assistance by Department of Labor in February 1980.

In this case, therefore, the certifying officer has determined that:

All workers of I.L.B. Sportswear, Incorporated, Chester, New York who became totally or partially separated from employment on or after April 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7108; International Shoe Co., Shank Department, St. Louis, Mo.

The investigation was initiated on February 13, 1980 in response to a petition which was filed on behalf of workers at the Shank Department of International Shoe Company, St. Louis, Missouri. The workers produce steel shanks for use in the production of men's, women's and children's footwear by International Shoe Company.

U.S. imports of women's and misses' footwear increased absolutely and relative to domestic production in 1979 compared with 1978. U.S. imports of children's footwear increased absolutely and relative to domestic production in 1979 compared with 1978. U.S. imports of men's dress and casual footwear increased relative to domestic production and consumption in 1979 compared with 1978.

A Department survey revealed that customers of International Shoe Company reduced their purchases of men's, women's and children's footwear from International Shoe Company while increasing their purchases of imported men's, women's and children's footwear in 1979 compared with 1978.

In this case, therefore, the certifying officer has determined that:

All workers of the Shank Department of International Shoe Company, St. Louis, Missouri who became totally or partially separated from employment on or after February 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7150; Sil-O-Ette Sales Corp. Jamaica, N.Y.

The investigation was initiated on February 19, 1980 in response to a petition which was filed on behalf of workers at Sil-O-Ette Sales Corporation, Jamaica, New York. The workers produced ladies' brassieres, girdles, panties and body suits.

U.S. imports of brassieres, bralettes and bandeaux; corsets and girdles; and women's, girls' and infants' underwear increased absolutely from 1978 to 1979.

A survey conducted by the Department of Commerce revealed that a major customer of Sil-O-Ette Sales Corporation reduced purchases from Sil-O-Ette while increasing purchases of imported brassieres, panties and girdles in 1979 compared with 1978.

In this case, therefore, the certifying officer has determined that:

All workers of Sil-O-Ette Sales Corporation, Jamaica, New York who became totally or partially separated from employment on or after January 31, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7116 and 7116A; Stackpole Corp., (Formerly Stackpole Carbon Co.) Kane Resistor Plant, Kane, Pa., and St. Marys Resistor Plant, St. Marys, Pa.

The investigation was initiated on February 13, 1980 in response to a petition which was filed on behalf of workers at the Stackpole Corporation's Kane Resistor Plant, Kane, Pennsylvania. The investigation revealed that the Kane Resistor Plant and the St. Marys Resistor Plant, St. Marys, Pennsylvania are an integrated production unit. The investigation was expanded to include the St. Marys Resistor Plant. The workers at these two plants produce fixed composition resistors.

U.S. imports of fixed carbon composition resistors have represented over one-third of domestic shipments in each year from 1975 through 1979. U.S.

imports of fixed film resistors increased absolutely and relative to domestic shipments from 1978 to 1979.

Evidence developed in the course of the investigation revealed that the Stackpole Corporation increased its imports of fixed composition resistors in 1978 compared with 1977 and in 1979 compared with 1978. These imports accounted for a significant proportion of Stackpole's domestic production of fixed composition resistors in both of these periods. Imports of resistors by Stackpole also increased substantially relative to total company sales of resistors from 1978 to 1979.

In this case, therefore, the certifying officer has determined that:

All workers of the Stackpole Corporation's Kane Resistor Plant, Kane, Pennsylvania and St. Marys Resistor Plant, St. Marys, Pennsylvania who became totally or partially separated from employment on or after January 31, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6889; Universal Tool Stamping Co., Inc.; Butler, Ind.

The investigation was initiated on January 30, 1980 in response to a petition which was filed on behalf of workers at Universal Tool and Stamping Company, Incorporated, Butler, Indiana. The workers produce auto jacks and wrenches.

Preliminary data show that U.S. imports of auto jacks have increased absolutely and relative to domestic production in 1979 compared with 1978.

Company imports of jacks and wrenches increased absolutely and relative to company sales in 1979 compared with 1978.

In this case, therefore, the certifying officer has determined that:

All workers of Universal Tool and Stamping Company, Incorporated, Butler, Indiana who became totally or partially separated from employment on or after January 6, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6868; Uniroyal Tire Co.; Detroit, Mich.

The investigation was initiated on January 28, 1980 in response to a petition which was filed on behalf of workers at the Detroit, Michigan plant of Uniroyal Tire Company. The workers produce primarily passenger car and truck tires.

U.S. Imports of both passenger car tires and truck and bus tires increased absolutely and relative to domestic production in 1979 compared to 1978.

Total Uniroyal imports of passenger car tires increased substantially in 1978 compared to 1977 and increased in 1979 compared to 1978.

A survey conducted by the Department indicated that several customers increased purchases of imported passenger car and truck tires while decreasing purchases of the same from Uniroyal in 1979 compared to 1978. These customers accounted for a substantial proportion of Uniroyal's passenger car and truck tire sales decline in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that:

All workers of the Detroit, Michigan plant of Uniroyal Tire Company who became totally or partially separated from employment on or after June 19, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7148; Webster-Wilcox Corp., Meriden, Conn.

The investigation was initiated on February 19, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at Webster-Wilcox Corporation. The workers produce silver plated and pewter holloware.

U.S. imports of silver plated holloware increased in 1979 compared to 1978.

Company imports of silver plated holloware increased absolutely and as a percentage of total sales in 1979 compared to 1978.

Sales of silver plated holloware represent the majority of sales of Webster-Wilcox in 1978 and 1979 and the preponderance of the total sales decline during the same period.

In this case, therefore, the certifying officer has determined that:

All workers of Webster-Wilcox Corporation, Meriden, Connecticut who became totally or partially separated from employment on or after January 25, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6839; Reed City Tool & Die Corp., Reed City, Mich.

The investigation was initiated on January 22, 1980 in response to a petition which was filed on behalf of workers at Reed City Tool and Die Corporation, Reed City, Michigan. The workers produce plastic injection and compression molds.

U.S. imports of molds increased both absolutely and relative to domestic production in 1978 compared with 1977 and increased absolutely in 1979 compared with 1978.

A Department survey revealed that customers representing a significant proportion of Reed City's sales reported increasing purchases of imported molds while decreasing purchases from the subject firm.

In this case, therefore, the certifying officer has determined that "All workers of Reed City Tool and Die Corporation, Reed City, Michigan who became totally or partially separated from employment on or after October 14, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

I hereby certify that determinations were issued with respect to all of the aforementioned cases during the week of April 7-11th, 1980.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-11971 Filed 4-17-80; 8:45 am]

BILLING CODE 4510-26-M

[TA-W-6732 and 6733]

Allied Chemical Corp.; Semet-Solvay Division; Shannon Branch Mine and Preparation Plant, Capels, W. Va.; Negative Determination Regarding Application for Reconsideration

By letter of March 20, 1980, counsel for the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing metallurgical coal at the Shannon Branch Mine and Preparation Plant of Allied Chemical's Semet-Solvay Division, Capels, West Virginia. The determination was published in the *Federal Register* on March 4, 1980, (45 FR 14157).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

- (1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or
- (3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

Counsel for the petitioners questions the adequacy of the Department's customer survey since he claims that the use of imported coke or coal in 1978 by Allied Chemical's customers caused the layoffs at Allied Chemical's Shannon Branch Mine.

The Department's review indicated that workers at Allied Chemical's Shannon Branch Mine were denied eligibility because they did not meet the "contributed importantly" test of the Trade Act of 1974. The review showed that the Shannon Branch Mine supplied metallurgical coal to various outside customers and to an Allied Chemical

coke plant. The Department's survey which represented all of Shannon Branch's metallurgical coal sales showed that neither Allied Chemical nor any of the outside customers purchased imported metallurgical coal or coke in 1977, 1978 or 1979. A secondary survey of Allied Chemical's coke plant's customers showed that none increased their reliance on imported metallurgical coal or coke in 1979. Customers of Allied Chemical which increased their import purchases also increased their purchases from Allied Chemical.

The Department sees no validity in counsel's claim that imported coke and coal in 1978 caused the layoffs at the Shannon Branch Mine since the Department's survey showed that Allied Chemical's customers relied decreasingly on imported coke and coal in 1978 through 1979. Further, production at the Shannon Branch Mine increased in quantity in 1979 compared to 1978.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 11th day of April 1980.

James F. Taylor,
Director, Office of Management Administration and Planning.

[FR Doc. 80-11979 Filed 4-17-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7313]

Goldfields, Inc., Signal Hill, Calif.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 10, 1980 in response to a worker petition received on February 20, 1980 which was filed on behalf of workers at Goldfields, Incorporated, Signal Hill, California. The workers produced hair dryers, curling irons, make-up mirrors and hamburger cookers.

The Notice of Investigation was published in the *Federal Register* on March 14, 1980 (45 FR 16652-3). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of Goldfields, Incorporated were separated from employment in December 1978. Section 223(b) of the Trade Act of 1974 states that no certification under this section may apply to any worker whose

last total or partial separation from the firm or appropriate subdivision of the firm occurred more than one year prior to the date of the petition.

The date of the petition in this case is February 14, 1980 and, thus, workers terminated prior to February 14, 1979 are not eligible for program benefits under Section 223 of the Trade Act of 1974. The investigation is therefore terminated.

Signed at Washington, D.C. this 11th day of April 1980.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-11980 Filed 4-17-80; 8:45 am]

BILLING CODE 4510-28-M

of the same group of workers as TA-W-7343.

Since the identical group of workers is the subject of the ongoing investigation TA-W-7196, a new investigation would serve no purpose. Consequently, this investigation (TA-W-7343) has been terminated.

Signed at Washington, D.C. this 11th day of April 1980.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-11981 Filed 4-17-80; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or

subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 28, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 28, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of April 1980.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Majestic Silver Company (UAW).....	New Haven, Conn.....	3/26/80	3/10/80	TA-W-7,578	Stainless steel flatware.
Allegheny Fabrics Corporation (workers).....	Montoursville, Pa.....	3/26/80	3/24/80	TA-W-7,579	Narrow elastic fabrics.
Amerada Hess Corporation (workers).....	Woodbridge, N.J.....	3/26/80	3/24/80	TA-W-7,580	Administrative office.
Henry Guttman, Inc. (ILGWU).....	New York, N.Y.....	3/26/80	3/21/80	TA-W-7,581	Design and cutting of ladies' coats.
Strip Steel, Inc. (workers).....	Fraser, Mich.....	3/26/80	3/19/80	TA-W-7,582	Steel service center.
K-T Corporation (workers).....	Shelbyville, Ind.....	3/26/80	3/20/80	TA-W-7,583	Windows ventilators & steps, etc. (airstream product line).
Checker Motors Corp. (AIW).....	Kalamazoo, Mich.....	3/26/80	3/23/80	TA-W-7,584	Checker cabs and supplier of parts for General Motors.
Plumley Rubber Company (workers).....	Paris, Tenn.....	3/26/80	3/21/80	TA-W-7,585	Hoses and hose assembly for new and used cars.
North West Shake Company (workers).....	Hoquiam, Wash.....	3/26/80	3/21/80	TA-W-7,586	Cedar shakes and shingles.
Liberty Manufacturing Company (workers).....	Liberty, Tenn.....	3/26/80	3/24/80	TA-W-7,587	Blouses.
Peabody Coal Company, Tebo Mine (workers).....	Calhoun, Mo.....	3/26/80	3/19/80	TA-W-7,588	Mine coal.
Dayton Tire & Rubber Company (URW).....	Dayton, Ohio.....	3/26/80	3/24/80	TA-W-7,589	Bias passenger car tires, bias light truck tires and bias truck tires.
Harwood Cedar Products (workers).....	Elma, Wash.....	3/26/80	3/20/80	TA-W-7,590	Cedar shakes and ridge.
Harbor Manufacturing, Inc. (company).....	Hoquiam, Wash.....	3/26/80	3/19/80	TA-W-7,591	Cedar roofing materials.
Saville Ford, Inc. (workers).....	Waterbury Conn.....	3/26/80	3/20/80	TA-W-7,592	New car dealership.
Brunswick Corp., Mercury Marine Div., Lodge 20, Plant #1 (IAM & AW).....	Cedarburg, Wis.....	3/26/80	3/20/80	TA-W-7,593	Outboard marine products.
Brunswick Corp., Mercury Marine Div., Lodge 20, Plant #2 (IAM & AW).....	Cedarburg, Wis.....	3/26/80	3/20/80	TA-W-7,594	Outboard marine products.
Brunswick Corp., Mercury Marine Div., Lodge 451, Plant #5 (IAM & AW).....	Oakhosh, Wis.....	3/26/80	3/20/80	TA-W-7,595	Outboard marine products.
Brunswick Corp., Mercury Marine Div., Lodge 1947, Plant #3 (IAM & AW).....	Fond du Lac, Wis.....	3/26/80	3/20/80	TA-W-7,596	Outboard marine products.
Brunswick Corp., Mercury Marine Div., Lodge 1947, Plant #4 (IAM & AW).....	Fond du Lac, Wis.....	3/26/80	3/20/80	TA-W-7,597	Outboard marine products.
Brunswick Corp., Mercury Marine Div., Lodge 1947, Plant #8 (IAM & AW).....	Fond du Lac, Wis.....	3/26/80	3/20/80	TA-W-7,598	Outboard marine products.
Brunswick Corp., Mercury Marine Div., Lodge 1947, Plant #10 (IAM & AW).....	Fond du Lac, Wis.....	3/26/80	3/20/80	TA-W-7,599	Outboard marine products.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Brunswick Corp., Mercury Marine Div., Lodge 1947, Plant #15 (IAM & AW).	Fond du Lac, Wis.	3/26/80	3/20/80	TA-W-7,600	Outboard marine products.
Brunswick Corp., Mercury Marine Div., Lodge 1947, Plant #17 (IAM & AW).	Fond du Lac, Wis.	3/26/80	3/20/80	TA-W-7,601	Outboard marine products.
Brunswick Corp., Mercury Marine Div., Lodge 1947, Plant #98 (IAM & AW).	Fond du Lac, Wis.	3/26/80	3/20/80	TA-W-7,602	Outboard marine products.
General Motors Corp., Delco Products Div. (IUE).	Rochester, N.Y.	3/27/80	3/18/80	TA-W-7,603	Fractional horsepower motors for automobiles.
The Henry Richards Company, Inc. (International Leather Plastics & Novelty Workers Union).	Hamden, Conn.	3/27/80	3/25/80	TA-W-7,604	Women's handbags.
GTE Products Corp. (workers)	Altoona, Pa.	3/27/80	3/20/80	TA-W-7,605	Electronic receiving tubes.
Montesano Cedar Products (workers)	Montesano, Wash.	3/28/80	3/14/80	TA-W-7,606	Red cedar shakes.
Sheller Globe Corp., Paramount Fabricating Division (UAW).	Detroit, Mich.	3/27/80	3/19/80	TA-W-7,607	Various auto parts.
John Knight, Ltd. (company)	New York, N.Y.	3/28/80	3/23/80	TA-W-7,608	Men's and ladies' overcoats and suits, also, sportswear.
Pigeon Branch Coal Company, Inc. (workers)	North Tazewell, Va.	3/28/80	3/26/80	TA-W-7,609	Metallurgical coal.
Allen Test Products (Allied Industrial Workers of America).	Kalamazoo, Mich.	3/28/80	3/21/80	TA-W-7,610	Automotive test equipment.
Complete Auto Transit, Inc. (workers)	Doraville, Ga.	3/28/80	3/18/80	TA-W-7,611	Transports new cars.
Arrow Pattern, Inc. (workers)	Warren, Mich.	3/28/80	3/15/80	TA-W-7,612	Die patterns for the automobile industry.
Vail Knitting Mills, Ltd (workers)	Coplaque, N.Y.	3/28/80	3/25/80	TA-W-7,613	Sweaters.
Superior Hat Leather Co., Inc. (workers)	Peabody, Mass.	3/28/80	3/25/80	TA-W-7,614	Finish leather hides.
Bergen Point Brass (company)	Bayonne, N.J.	3/28/80	3/25/80	TA-W-7,615	Brass, bronze and aluminum.
Reitz Coal Company, Camp Hamilton Mine #24 (UMWA).	Hooversville, Pa.	3/28/80	3/17/80	TA-W-7,616	Metallurgical coal.
Mattel, Inc., Mattel Toys Division, Industry Plant (URW).	City of Industry, Calif.	3/28/80	3/26/80	TA-W-7,617	All types of toys.
Goodyear Tire & Rubber Company (URW)	Bakersfield, Calif.	3/28/80	3/19/80	TA-W-7,618	Automobile seat cushions.
Eico Industries, Inc. Southington Division (IAM & AW).	Southington, Conn.	3/28/80	3/19/80	TA-W-7,619	Screws, bolts and fasteners for autos and appliances.
Child's Manufacturing Co., Inc. (workers)	Centerdale, R.I.	3/28/80	3/19/80	TA-W-7,620	Costume jewelry.
Rockwell International, Western Wheel Division (workers)	LaPalma, Calif.	3/28/80	3/12/80	TA-W-7,621	Wheels for new cars and after markets.
Aileen, Inc. (workers)	Brookneal, Va.	3/28/80	3/19/80	TA-W-7,622	Ladies' sportswear.
Weyerhaeuser Company (International Woodworkers of America).	Raymond, Wash.	3/28/80	3/24/80	TA-W-7,623	Roof shakes.
Servus Rubber Company (URW)	Rock Island, Ill.	3/31/80	3/27/80	TA-W-7,624	Rubber footwear.
RCA Corporation (workers)	Indianapolis, Ind.	3/31/80	3/26/80	TA-W-7,625	Records and tapes.
Malan Dyeing & Finishing Co. (workers)	Paterson, N.J.	3/31/80	3/24/80	TA-W-7,626	Dyeing and finishing textiles.
Stanbel, Inc. (workers)	Hialeah, Fla.	3/31/80	3/25/80	TA-W-7,627	Kites.

[FR Doc. 80-11983 Filed 4-17-80; 8:45 am]

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

BILLING CODE 4510-28-M

[TA-W-7367]

Jeep Corp., Toledo, Ohio; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 17, 1980 in response to a worker petition received on February 25, 1980 which was filed by The Pattern, Mold and Model Makers Association on behalf of workers at the Jeep Corporation, Toledo, Ohio. Workers at the plant produce car patterns and molds.

The Notice of Investigation was published in the *Federal Register* on

March 21, 1980 [45 FR 18513-4]. No public hearing was requested and none was held.

In a letter dated March 25, 1980 the petitioners requested withdrawal of the petition. On the basis of the withdrawal, continuing the investigation would serve no purpose. Consequently the investigation has been terminated.

Signed at Washington, D.C. this 10th day of April 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-11982 Filed 4-17-80; 8:45 am]

BILLING CODE 4510-28-M

Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 233 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of negative determinations regarding eligibility to apply for worker adjustment assistance issued during the period April 7-11, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA-W-7121 & TA-W-7122; Allegheny Ludlum Steel Corp., Wallingford, Conn.

The investigation was initiated on February 19, 1980, in response to a petition which was filed by the United Steelworkers of America on behalf of workers at Allegheny Ludlum Steel Corporation, Wallingford, Connecticut. Workers at the Wallingford plant produce stainless steel strip and stainless steel pipe and tubing.

The investigation revealed that criterion (2) has not been met.

Sales and production of both stainless steel strip and stainless steel pipe and tubing at the Wallingford, Connecticut plant of Allegheny Ludlum Steel Corporation increased in 1979 compared to 1978 and in each quarter of 1979 compared to the same quarter of the previous year.

In this case, therefore, the certifying officer has determined that all workers of Allegheny Ludlum Steel Corporation, Wallingford, Connecticut, are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7124; BMPI Inc. of N.J.; Somers Point, N.J.

The investigation was initiated on February 19, 1980 in response to a petition which was filed on behalf of workers at BMPI, Inc. of N.J., Somers Point, New Jersey. The workers produced primarily custom molded plastics parts for stereo turntables and indoor television antennas.

The investigation revealed that criterion (3) has not been met.

U.S. imports of custom molded plastic parts for phonographs, turntables, and tape recorders were less than two percent of domestic production in 1977, 1978, and 1979.

Customers of BMPI, Inc. of N.J. who were surveyed reported that they did not import plastic stereo turntable parts or plastic indoor antenna bases in 1978 or 1979.

In this case, therefore, the certifying

officer has determined that all workers of BMPI, Inc. of N.J., Somers Point, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6914; Buckbee Mears Co., In-line Products Division, St. Paul, Minn.

The investigation was initiated on February 5, 1980 in response to a petition which was filed on behalf of workers of the In-Line Products Division of the St. Paul, Minnesota plant of Buckbee Mears Company. The workers produced aperture masks.

The investigation revealed that criterion (3) has not been met. All aperture masks formerly produced at the St. Paul, Minnesota plant of Buckbee Mears Company were shipped abroad. Hence, any increase in imports of aperture masks into the United States cannot affect sales of aperture masks produced at the St. Paul, Minnesota plant of the Buckbee Mears Company.

In this case, therefore, the certifying officer has determined that all workers at the In-Line Products Division of the St. Paul, Minnesota plant of Buckbee, Mears company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7149; Cassens Transport Co., Detroit, Mich.

The investigation was initiated on February 19, 1980, in response to a petition which was filed on behalf of workers at Cassens Transport Company, Detroit, Michigan. Workers at Cassens Transport Company are engaged in providing the service of transporting automotive products.

The investigation revealed that workers of Cassens Transport Company do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Cassens Transport company by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Cassens Transport Company and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in transporting automotive products at Cassens Transport Company are employed by that firm. All personnel actions and payroll transactions are controlled by

Cassens Transport Company. All employee benefits are provided and maintained by Cassens Transport Company. Workers are not, at any time, under employment or supervision by customers of Cassens Transport Company. Thus, Cassens Transport Company, and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of Cassens Transport Company, Detroit, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7088; Champion International Corp., Champion Building Products, Missoula, Mont.

The investigation was initiated on February 12, 1980 in response to a petition which filed by the Lumber, Production and Industrial Workers on behalf of workers at the Missoula, Montana plant of Champion Building Products, Champion International Corporation. Workers at the Missoula plant produce window and door jambs, molding, studs and truck beds.

The investigation revealed that, with respect to jambs and molding, criterion (3) has not been met.

U.S. imports of millwork increased marginally in 1979 compared with 1978. The ratio of imports to domestic production did not exceed 3 percent in either 1978 or 1979.

A survey of customers of the subject firm revealed that most customers either did not purchase imports of jambs and molding or decreased purchases of imports in 1979 compared with 1978. Customers who increased purchases of imports in 1979 compared with 1978 did not represent a significant proportion of sales of Champion International.

The investigation further revealed that, with respect to studs and truck beds, criterion (2) has not been met.

Sales and production of studs and truck beds at the Missoula plant increased in 1979 compared with 1978. There have been no layoffs of workers producing studs and truck beds during 1979.

In this case, therefore, the certifying officer has determined that all workers at the Missoula, Montana plant of Champion Building Products, Champion International Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6871; Cook Industrial Coatings, Inc., Detroit, Mich.

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the Teamsters Union on behalf of workers at Cook Industrial

Coatings, Incorporated, Detroit, Michigan. Workers at Cook Industrial Coatings, Incorporated produce automotive top coat paint, industrial paint, water based siding paint, and resin for paint production.

The investigation revealed that criterion (3) has not been met.

U.S. imports of synthetic resin, paint, varnish and lacquer were negligible throughout the period 1975-1979. Imports of synthetic resin, paint, varnish and lacquer were less than 1 percent of U.S. production during that period.

None of the customers surveyed purchased imported automotive top coat paint or resin for paint production in 1978 and in 1979.

Although imported automobile incorporate automotive top coat paint which would include resin for paint production, imports of the whole product are not "like or directly competitive" with their component parts. Imports of automotive top coat paint and resin for paint production must be considered in determining import injury to workers producing automotive top coat paint and resin for paint production at Cook Industrial Coatings, Incorporated, Detroit, Michigan.

In this case, therefore, the certifying officer has determined that all workers of Cook Industrial Coatings, Incorporated, Detroit, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7089; Coronet Casuals, Inc., Portsmouth, Va.

The investigation was initiated on February 12, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Coronet Casuals, Incorporated, Portsmouth, Virginia. The workers produce men's knit shirts.

The investigation revealed that criterion (3) has not been met.

U.S. imports of men's and boys' knit sport and dress shirts excluding T-shirts decreased absolutely in 1979 compared to 1978.

Sales and production of men's knit shirts and employment at Coronet Casuals, Incorporated increased in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of Coronet Casuals, Incorporated, Portsmouth, Virginia are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6702; Davidson Rubber Co., Farmington, N.H.

The investigation was initiated on January 7, 1980 in response to a worker petition which was filed on behalf of workers at the Farmington, New Hampshire plant of Davidson Rubber Company. The workers produce bumpers and interior automotive trim.

The investigation revealed that criteria (3) has not been met.

U.S. imports of automotive bumpers decreased absolutely and relative to domestic production in 1979 compared to 1978.

The ratio of imports of interior soft trim for motor vehicles to domestic production was less than 2 percent in 1978 and 1979. Surveyed customers which decreased purchases from Davidson Rubber increased purchases of interior soft trim from domestic sources. Imports as a percentage of the customers' in-house production and domestic purchases were negligible.

In this case, therefore, the certifying officer has determined that all workers of the Farmington, New Hampshire plant of the Davidson Rubber Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6788; General Instrument Corp., Chicago Miniature Lamp Works Division, Neptune, N.J.

The investigation was initiated on January 16, 1980 in response to a petition which was filed on behalf of workers at General Instrument Corporation, Chicago Miniature Lamp Works Division, Neptune, New Jersey. The workers produce lampholders and indicator lights.

The Neptune plant contained two operating divisions of General Instrument Corporation: The Signalite Division producing miniature neon lamps and the Chicago Miniature Lamp Works Division producing lampholders and indicator lights.

The petition alleged that company imports of miniature neon lamps led to a company decision to close the entire Neptune plant, affecting workers in both divisions. Under the provisions of the Trade Act of 1974, however, workers in the Chicago Miniature Lamp Works Division of the Neptune plant could be certified eligible to apply for trade adjustment assistance only if increased imports of lampholders or indicator lights contributed importantly to the workers' separations.

U.S. imports of lampholders decreased in 1979 from 1978. The ratio of imports to domestic production was 3.1 percent in 1978. When the Neptune plant closed,

production of indicator lights was transferred to the Chicago, Illinois facilities of Chicago Miniature Lamp Works.

In this case, therefore, the certifying officer has determined that all workers of General Instrument Corporation, Chicago Miniature Lamp Works Division, Neptune, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7062, 7063; General Motors Corp., Detroit Diesel Allison Division, Detroit, Mich. and Indianapolis, Ind.

The investigation was initiated on February 11, 1980 in response to a petition which was filed by the International Union of the UAW on behalf of workers at the Detroit, Michigan and Indianapolis, Indiana plants of the Detroit Diesel Allison Division of General Motors Corporation. Workers at the Detroit, Michigan plant produce diesel engines. Workers at the Indianapolis, Indiana plant produce heavy duty transmissions, gas turbine engines and diesel engines.

The investigation revealed that, with respect to the Detroit, Michigan plant, criterion (3) has not been met.

U.S. imports of automotive diesel engines declined in quantity absolutely and relative to domestic production in 1979 from 1978.

Major customers surveyed which decreased purchases of diesel engines from the Detroit Diesel Allison Division in 1979 from 1978 did not increase purchases of imported diesel engines during the same period.

With respect to the Indianapolis, Indiana plant, criterion (2) has not been met.

Adjusted sales by the Indianapolis, Indiana plant of the Detroit Diesel Allison Division increased in model year 1979 (ending August 31, 1979) compared to model year (MY) 1978 and in the first four months of MY 1980 compared to the first four months of MY 1979. Compared to the same quarter of the previous year, sales by the Indianapolis plant increased in each quarter from the first quarter of MY 1979 through the first quarter of MY 1980.

In this case, therefore, the certifying officer has determined that all workers of the Detroit, Michigan and Indianapolis, Indiana plants of the Detroit Diesel Allison Division of General Motors Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7064; General Motors Corp., Diesel Equipment Division, Grand Rapids, Mich.

The investigation was initiated on February 11, 1980 in response to a petition which was filed by the International Union of the UAW on behalf of workers at the Diesel Equipment Division of General Motors Corporation, Grand Rapids, Michigan. The workers produce a variety of precision machine parts for automotive and diesel engines.

The investigation revealed that criterion (3) has not been met.

The major products manufactured by the Diesel Equipment Division of General Motors Corporation are diesel injectors, diesel service parts, valve lifters, exhaust valves, emission control valves and miscellaneous automotive parts. The Diesel Equipment Division does not import these products.

Average employment of production workers at the Diesel Equipment Division increased in model year 1979 (ending August 31, 1979) compared to model year (MY) 1978 and in the first five months of MY 1980 compared to the same period in MY 1979. Compared to the same quarter of the previous year, employment increased in each quarter from the first quarter of MY 1979 through the first quarter of MY 1980.

Layoff periods of short duration occurred at the Diesel Equipment Division during three months from January 1979 through January 1980. The layoffs amounted to a small proportion of the average production employment during those months.

In this case, therefore, the certifying officer has determined that all workers of the Diesel Equipment Division of General Motors Corporation, Grand Rapids, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7061; General Motors Corp., Electro Motive Division, LaGrange, Ill.

The investigation was initiated on February 11, 1980 in response to a petition which was filed by the International Union of the UAW on behalf of workers at the LaGrange, Illinois plant of the Electro Motive Division of General Motors Corporation. Workers at the LaGrange, Illinois plant primarily produce diesel and electric locomotives and diesel engines for marine and industrial applications.

The investigations revealed that criterion (2) has not been met.

Adjusted sales by the Electro Motive Division of General Motors Corporation increased in value in model year (MY) 1979 (ending August 31, 1979) from MY

1978 and in the first four months of MY 1980 compared to the first four months MY 1979. Compared to the same quarter of the previous year, sales by the division increased in each quarter from first quarter of MY 1979 through the first quarter of MY 1980.

In this case, therefore, the certifying officer has determined that all workers of the LaGrange, Illinois plant of the Electro Motive Division of General Motors Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7042, 7043; General Motors Corp., Terex Division, Cleveland and Hudson, Ohio

The investigation was initiated on February 11, 1980 in response to a petition which was filed by the International Union of the UAW on behalf of workers at the Cleveland and Hudson, Ohio plants of the Terex Division of General Motors Corporation. Workers at the Cleveland, Ohio plant produce off-highway equipment; primarily haulers, front-end loaders and scrapers. Workers at the Hudson, Ohio plant primarily produce crawler tractors, front-end loaders and parts for off-highway equipment.

The investigation revealed that criterion (3) has not been met.

The major products manufactured by the Terex Division of General Motors Corporation are scrapers, haulers, crawler tractors and front-end loaders.

U.S. imports of scrapers are negligible. U.S. imports of crawler tractors and front-end loaders declined in quantity absolutely and relative to domestic shipments in 1979 from 1978. U.S. imports of haulers, in quantity, amounted to less than 2 percent of total domestic production in 1978 and 1979.

The Terex Division imported two sizes of haulers from Canada in MY 1978, MY 1979 and the first four months of MY 1980. Neither of these haulers was produced domestically by the Terex Division during this period.

Major customers surveyed which decreased purchases of off-highway equipment from the Terex Division in 1979 from 1978 did not purchase imported off-highway equipment during the same period.

In this case, therefore, the certifying officer has determined that all workers of the Cleveland and Hudson, Ohio plants of the Terex Division of General Motors Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6489, 6692; the General Tire & Rubber Co., Logansport and Peru, Ind.

The investigations were initiated on November 30, 1979 and January 4, 1980 in response to petitions which were filed, in part, by the United Rubber Workers on behalf of workers at the Logansport and Peru, Indiana plants, respectively, of the General Tire and Rubber Company. Workers at the Logansport plant produce primarily silentbloc bushings. Workers at the Peru plant produce metal sleeves for silentbloc bushings.

The investigation revealed that criterion (3) has not been met.

Imported automobiles cannot be considered to be like or directly competitive with domestically produced bushings. Imports of bushings must be considered in determining import injury to workers producing bushings and bushing components at the Logansport and Peru, Indiana plants of The General Tire and Rubber Company.

U.S. imports of bushings decreased absolutely and relative to domestic consumption from 1977 to 1978 and from 1978 to 1979.

Surveyed customers of The General Tire and Rubber Company revealed that they either purchased no imports of bushings or decreased purchases of imported bushings from 1978 to 1979.

In this case, therefore, the certifying officer has determined that all workers of the Logansport and Peru, Indiana plants of The General Tire and Rubber Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6626; the General Tire & Rubber Co. Wabash, Ind.

The investigation was initiated on December 13, 1979 in response to a petition which was filed on behalf of workers at the Wabash, Indiana plant of The General Tire and Rubber Company. Workers at the Wabash plant produce rubber automotive components.

The investigation revealed that criterion (3) has not been met.

Imported automobiles cannot be considered to be like or directly competitive with domestically produced rubber automotive components. Imports of rubber automotive components must be considered in determining import injury to workers producing rubber automotive components at the Wabash, Indiana plant of The General Tire and Rubber Company.

The major products produced by the Wabash, Indiana plant of The General Tire and Rubber Company are molded rubber sleeves for silentbloc bushings, gaskets, wiper blades, metal adhesion

products (including seals and motor mounts), and bumpers.

U.S. imports of bushings and motor vehicle bumpers declined in value absolutely and relative to domestic consumption in 1978 from 1977 and in 1979 from 1978.

U.S. imports of gaskets declined in value relative to total domestic production in 1979 from 1978.

U.S. imports of seals, in value, amounted to less than one percent of total domestic production of seals in 1978 and 1979.

Several major customers surveyed did not purchase imported rubber automotive components in 1977, 1978 and 1979. Customers surveyed which increased import purchases in 1979 from 1978 also increased purchases from domestic sources during the same period.

In this case, therefore, the certifying officer determined that all workers of the Wabash, Indiana plant of The General Tire and Rubber Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7133; Goodyear Tire & Rubber Co., Union City, Tenn.

The investigation was initiated on February 19, 1980 in response to a petition which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers at the Union City, Tennessee plant of the Goodyear Tire and Rubber Company. The workers at Union City plant produce passenger car tires.

The investigation revealed that criterion (3) has not been met.

The Department survey of passenger car tire customers of Goodyear revealed that most customers either do not import or decreased purchases of imported passenger car tires in 1979 compared with 1978. The reliance on imports by the customers of Goodyear buying passenger car tires was negligible and substantially below the industry-wide levels in 1978 and 1979.

In this case, therefore, the certifying officer has determined that all workers of the Union City, Tennessee plant of the Goodyear Tire and Rubber Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7203; International Harvester Co., St. Louis and Hazelwood, Mo.

The investigation was initiated on February 25, 1980 in response to a petition which was filed on behalf of workers at International Harvester Company, Chouteau Avenue and North Broadway facilities in St. Louis,

Missouri and the Brown Road facility in Hazelwood, Missouri. The workers at International Harvester Company, St. Louis and Hazelwood, Missouri are engaged in selling and servicing trucks.

The investigation revealed that criterion (3) has not been met.

Workers at the various International Harvester Company production facilities supplying new trucks for sale and spare parts for repair purposes have been on strike since November 1, 1979. The strike has led to an interruption in the supply of new vehicles available for sale and the closure of approximately two-thirds of the company's parts depots. Layoffs of service workers did not begin until January 1980.

Layoffs at the International Harvester Company sales and service centers in St. Louis and Hazelwood, Missouri are attributable to the continuing strike at that company's production facilities.

In this case, therefore, the certifying officer has determined that all workers of International Harvester Company, St. Louis and Hazelwood, Missouri are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7094; Kellwood Co.; Dresden, Tenn.

The investigation was initiated on February 12, 1980 in response to a petition which was filed on behalf of workers at the Dresden, Tennessee plant of the Kellwood Company. Workers at the Dresden, Tennessee plant produce women's coats, jackets and blazers.

The investigation revealed that criterion (3) has not been met.

Surveyed major customers of the Kellwood Company either did not purchase imported women's coats, jackets or blazers in 1978 and 1979 or reduced purchases of imported coats, jackets or blazers in 1979 compared to 1978.

Imports of women's, misses' and children's coats, jackets and blazers declined in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of the Kellwood Company in Dresden, Tennessee are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7096; Lee and Us; Montclair, Calif.

The investigation was initiated on February 12, 1980 in response to a petition which was filed on behalf of workers at Lee and Us, Montclair, California. Workers at Lee and Us produced primarily restaurant uniforms, women's jeans and denim skirts.

The investigation revealed that criterion (3) has not been met.

Industry sources reported that U.S. imports of restaurant uniforms are negligible. U.S. imports of women's, misses' and children's slacks and shorts declined absolutely in 1979 compared to 1978. U.S. imports of women's, misses' and children's skirts increased absolutely in 1979 compared to 1978.

A departmental survey of the manufacturers for whom Lee and Us performed contract work revealed that none of the manufacturers surveyed increased their use of foreign contractors nor purchased garments from foreign sources in 1979 or January 1980. Most of the manufacturers reported that they intended to replace Lee and Us with other domestic contractors or by increasing their in-house production levels.

In this case, therefore, the certifying officer has determined that all workers of Lee and Us, Montclair, California are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7097; M & G Convoy, Inc., Highland Park, Mich.

The investigation was initiated on February 12, 1980 in response to a petition which was filed on behalf of workers at M & G Convoy, Inc., Highland Park, Michigan. The workers at M & G Convoy, Inc., are engaged in providing the service of transporting automobiles and trucks.

The investigation revealed that workers of M & G Convoy, Inc. do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to M & G Convoy, Inc. by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

M & G Convoy, Inc. and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with another company producing automobiles or trucks.

All workers engaged in transporting automobiles and trucks at M & G Convoy, Inc. are employed by that firm. All personnel actions and payroll transactions are controlled by M & G Convoy, Inc. All employee benefits are provided and maintained by M & G Convoy, Incorporated. Workers are not,

at any time under employment or supervision by customers of M & G Convoy. Thus, M & G Convoy and not any of its customers, must be considered to the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of M & G Convoy, Inc., Highland Park, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7238; the New River Co., Skelton Mine, Raleigh County, W. Va.

The investigation was initiated on March 3, 1980 in response to a petition which was filed by the United Mine Workers of America on behalf of workers at The New River Company, Skelton Mine, Raleigh County, West Virginia. Workers at the Skelton Mine produce metallurgical coal.

The investigation revealed that criterion (3) has not been met.

The Skelton Mine produces metallurgical coal. A survey of the sales agents purchasing The New River Company's metallurgical coal revealed that nearly 100 percent of this coal is subsequently exported. Decreases in sales and production at the New River Company resulted from a loss of foreign sales.

In this case, therefore, the certifying officer has determined that all workers of The New River Company, Skelton Mine, Raleigh County, West Virginia are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7145; Penmar, Inc., Haverstraw, N.Y.

The investigation was initiated on February 19, 1980 in response to a petition which was filed on behalf of workers at Penmar, Incorporated, Haverstraw, New York, formerly of New York, New York. The workers produce primarily optical cases.

The investigation revealed that criterion (3) has not been met.

The ratio of the value of imports of flat goods, a category that includes optical cases, to domestic production decreased in 1979 compared to 1978.

Penmar, Incorporated, closed its operations in New York City in December, 1979 in order to relocate in Haverstraw, New York in January, 1980. This relocation resulted in significant interruptions in sales and production for approximately two months.

Workers at Penmar produce primarily optical cases. Sales of optical cases at Penmar, Incorporated increased in value in the first eleven months of 1979 compared to 1978, and decreased only marginally when sales were deflated. Employment at Penmar in February,

1980 had increased to a level comparable to the highest levels obtained in 1979.

In this case, therefore, the certifying officer has determined that all workers of Penmar, Incorporated, Haverstraw, New York, formerly of New York, New York are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6897; Republic Steel Corp.; South Chicago Works; Chicago, Ill.

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the South Chicago Works facility of the Republic Steel Corporation, Chicago, Illinois. The workers at the South Chicago Works facility produce carbon and alloy semi-finished steel shapes, finished bars, wire, and pipe and tubing.

The investigation revealed that criterion (3) has not been met.

Imports into the United States of semi-finished carbon and alloy steel shapes each respectively decreased absolutely and relative to domestic production in 1979 as compared to 1978. Imports of finished carbon and alloy bars, wire, and pipe and tubing each respectively decreased both absolutely and relative to domestic production during the period January through September 1979 as compared to the same period in 1978.

In this case, therefore, the certifying officer has determined that all workers of the South Chicago Works facility of Republic Steel Corporation, Chicago, Illinois are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6908; Spear Box Co., Inc., New York, N.Y.

The investigation was initiated on February 1, 1980 in response to a petition which was filed on behalf of workers at Spear Box Company, Incorporated, New York. The workers at Spear Box produce folding paperboard boxes.

The investigation revealed that criterion (3) has not been met.

U.S. imports of folding paperboard boxes relative to domestic production and consumption have been less than .16 percent in each year from 1975 through 1979. Customers of Spear Box Company responding to a survey indicated that they do not purchase imported boxes.

In this case, therefore, the certifying officer has determined that all workers of the Spear Box Company, Incorporated, New York, New York are denied eligibility to apply for adjustment

assistance under Section 223 of the Trade Act of 1974.

TA-W-7134; Springhill Manufacturing Co., Springhill, La.

The investigation was initiated on February 19, 1980, in response to a petition which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers at Springhill Manufacturing Company, Springhill, Louisiana. The workers produced boys' knitted sportshirts.

The investigation revealed that criterion (3) has not been met.

U.S. imports of men's and boys' knit sport and dress shirts excluding T-shirts, decreased in 1979 compared with 1978.

Sales in quantity and in value by Springhill Manufacturing increased from 1978 to 1979 and increased in every quarter of 1979 compared with the same quarters in 1978.

All production at Springhill Manufacturing Company was performed exclusively for a garment manufacturer that shared common ownership with Springhill. In December 1979, Springhill was closed and this manufacturer replaced Springhill with other domestic contractors.

In this case, therefore, the certifying officer has determined that all workers of Springhill Manufacturing Company, Springhill, Louisiana are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7272; St. Joe Employee Federal Credit Union, Monaca, Pa.

The investigation was initiated on March 3, 1980 in response to a petition which was filed on behalf of workers at the St. Joe Employee Federal Credit Union, Monaca, Pennsylvania. The workers at the St. Joe Employee Federal Credit Union were engaged in providing banking services to employees of a zinc company.

The investigation revealed that workers of the St. Joe Employee Federal Credit Union do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to the St. Joe Federal Credit Union by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

The St. Joe Employee Federal Credit Union and the zinc company at which

the credit union provides services have no controlling interest in one another. The subject firm is not corporately affiliated with the zinc company.

All workers engaged in providing banking services at the St. Joe Employee Federal Credit Union are employed by that firm. All personnel actions and payroll transactions are controlled by the St. Joe Employee Federal Credit Union. All employee benefits are provided and maintained by the St. Joe Employee Federal Credit Union. Thus, St. Joe Employee Federal Credit Union and not the zinc company, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of the St. Joe Employee Federal Credit Union, Monaca, Pennsylvania are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6813; Teledyne Monarch Rubber, Hartville, Ohio

The investigation was initiated on January 18, 1980 in response to a petition which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers at Teledyne Monarch Rubber, Hartville, Ohio. Workers primarily produce automotive mounts, bushings, bushing parts and industrial tires.

The investigation revealed that criterion (3) has not been met.

U.S. imports of bushings decreased absolutely from 1977 to 1978 and from 1978 to 1979. The ratio of imports to domestic consumption decreased from 1977 to 1978 and from 1978 to 1979.

A Department survey of the customers of Teledyne Monarch Rubber revealed that none of the customers surveyed purchased imported automotive mounts and bushings from 1977 through 1979.

Production of industrial tires increased from 1977 to 1978 and from 1978 to 1979.

Petitioners allege that increased imports of automobiles have caused decreases in production and employment at Teledyne Monarch Rubber. Although imported automobiles incorporate automotive mounts and bushings, imports of the whole product are not "like or directly competitive" with their component parts. Imports of automotive mounts and bushings must be considered in determining import injury to workers producing automotive mounts and bushings at Teledyne Monarch Rubber.

In this case, therefore, the certifying officer determined that all workers of Teledyne Monarch Rubber, Hartville,

Ohio are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6885; Transamerica Delaval, Inc., Turbine/Compressor Division, N.J.

The investigation was initiated on January 30, 1980 in response to a worker petition which was filed by the United Steelworkers of America on behalf of workers at the Transamerica Delaval, Incorporated, Turbine/Compressor Division, Trenton, New Jersey. Workers at the Turbine/Compressor Division produce turbines, compressors, pumps and gears.

The investigation revealed that criterion (3) has not been met.

The petition alleges that imports from Delaval's facilities in Canada and the Netherlands adversely affected production and employment at the Trenton facility. Import shipments from both Delaval Canada and Delaval-Stork, Netherlands decreased in 1979 compared to 1978. Shipments by the Turbine/Compressor Division, Trenton, New Jersey increased in 1979 compared to 1978.

Transamerica Delaval custom produces turbines, compressors, pumps and gears on the basis of bids procured. The Department obtained data on bids lost by Delaval during the last half of 1979. The survey revealed that all of the bids lost to foreign manufacturers were for foreign end use.

Production at Delaval is recorded in terms of bookings, which represent contracts awarded to the company. Actual production takes place between the time that the order is booked and the time at which the finished product is shipped. Current bookings represent production to be manufactured and shipped in the next one to three years. Bookings allocated to the Turbine/Compressor Division, Trenton, New Jersey increased in 1979 compared to 1978. Bookings allocated to both Delaval Canada and Delaval Stork, Netherlands decreased in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of Transamerica Delaval, Incorporated, Turbine/Compressor Division, Trenton, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7103; V.T. Graphics, Inc., Clifton Heights, Pa.

The investigation was initiated on February 12, 1980 in response to a petition which was filed on behalf of workers at V.T. Graphics, Incorporated, Clifton Heights, Pennsylvania. The workers produce rubber printing plates.

The investigation revealed that criterion (3) has not been met.

The petition alleges that importation of a wide variety of consumer goods already in cartons has affected the demand for shipping cartons and the plates needed to print them. Consumer goods and shipping cartons cannot be considered to be like or directly competitive with rubber printing plates. Imports of rubber printing plates must be considered in determining import injury to workers producing rubber printing plates.

U.S. imports of rubber printing plates were negligible during 1978 and 1979. The Department of Labor conducted a survey of V.T. Graphics' customers. None of the customers surveyed purchased any imported rubber printing plates in 1978 or 1979.

In this case, therefore, the certifying officer has determined that all workers of V.T. Graphics, Incorporated, Clifton Heights, Pennsylvania are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7151; William H. Haskell Manufacturing Co., Pawtucket, R.I.

The investigation was initiated on February 19, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at William H. Haskell Manufacturing Company, Pawtucket, Rhode Island. The workers produce nuts, bolts and screws. The investigation revealed that criterion (2) has not been met.

Sales and production at William H. Haskell Manufacturing Company increased in 1979 compared to 1978 and increased during the first two months of 1980 compared to the first two months of 1979.

In this case, therefore, the certifying officer has determined that all workers of William H. Haskell Manufacturing Company, Pawtucket, Rhode Island are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I hereby certify that determinations were issued with respect to all of the aforementioned cases during the week of April 7-11, 1980.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-11977 Filed 4-17-80; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

April 15, 1980.

Pursuant to Sec. 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a 2-day meeting on Monday and Tuesday, May 5-6, 1980. The sessions will be opened to the public except from 4:30 to 5:00 p.m. on May 5. The meetings will be held at the Officer's Club, U.S. Coast Guard Base, Governors Island, New York. The session on Monday will begin at 9:00 a.m.; the Tuesday session will begin at 8:30 a.m.

The Committee, consisting of 18 non-Federal members, appointed by the President from academia, business and industry, State and local government, and public interest groups, was established by Congress by Public Law 95-63, on July 5, 1977. Its duties are to: (1) Undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) Advise the Secretary of Commerce with respect to the carrying out of the programs of the National Oceanic and Atmospheric Administration; and (3) Submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The tentative meeting schedule follows:

Monday, May 5, 1980

- 9:00 a.m.—12:00 noon—Chairman's Opening Remarks.
 - Orientation to U.S. Coast Guard Facilities and Programs.
- 12:00 noon—1:30 p.m.—Lunch.
- 1:30 p.m.—3:30 p.m.—Plenary Session.
 - Anadromous Fish and Habitat Protection.
- 3:30 p.m.—4:30 p.m.—National Ocean Goals and Objectives Project.
 - Review of Task Forces and Energy and Waste Management and Pollution: budgets, operational plans, and scope of activities.
- 4:30 p.m.—5:00 p.m.—Executive Session of Committee (CLOSED) Pursuant to 5 U.S.C. 552b(c)(6), Government in the Sunshine Act of 1976.
- 5:00 p.m.—6:00 p.m.—NACOA Steering Committee Meeting.
- 6:00 p.m.—Adjourn.

Tuesday, May 6, 1980

- 8:30 a.m.—9:00 a.m.—Plenary Session.
 - Coastal Zone Management Act Amendments.
- 9:00 a.m.—9:30 a.m.—Oil Spill Compensation Legislation: Status.
- 9:30 a.m.—12:00 noon—Waste Management in the Oceans.
 - Dredged Materials.
 - Sewage Sludge.
- 12:00 noon—1:00 p.m.—Lunch.
- 1:00 p.m.—3:00 p.m.—Weather and Climate.
 - Support for Atmospheric Research and Operational Facilities.
 - Weather Modification.
- 3:00 p.m.—4:00 p.m.—Plenary Session.
 - Panel Reports.
- 4:00 p.m.—Adjourn.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., (Room 436, Page Building No. 1), Washington, DC 20235. The telephone number is (202) 653-7818.

Maurice A. Ward,

Acting Executive Director.

[FR Doc. 80-12015 Filed 4-17-80; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 80-30]

NASA Advisory Council (NAC) Aeronautics Advisory Committee (AAC); Meeting

The Informal Advisory Subcommittee on Materials and Structures of the NAC AAC will meet May 5-6, 1980, in Room 225, Administration Building, NASA Lewis Research Center, Cleveland, Ohio. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Subcommittee members and participants).

The Subcommittee was established to assess the NASA program in high temperature materials, structures and structural dynamics. It evaluates the adequacy of current and planned R&T activities in terms of future forecast aircraft requirements. The Subcommittee is to recommend program

modifications, deletions, or changes in scope or emphasis to support overall NASA future aeronautical vehicle technology objectives. The Chairperson is Dr. Martin Goland. There are currently ten members on the Subcommittee. Following is the approved agenda for the meeting.

Agenda

May 5, 1980

- 8:30 a.m.—Introductory Remarks
- 9:00 a.m.—Engine Structures Long Range Plan
- 10:00 a.m.—Grant and University Affairs Program
- 10:30 a.m.—Structural Dynamics and Aeroelasticity
- 1:30 a.m.—Life Prediction
- 2:30 p.m.—Hot Section Technology
- 3:30 p.m.—Subcommittee Discussion

May 6, 1980

- 8:30 a.m.—High Temperature Engine Materials
- 11:30 a.m.—Materials for Advanced Turbine Engines
- 12:00 Noon—Conservation of Scarce Aerospace Metals
- 1:30 p.m.—Subcommittee Discussion

For Further information please contact Dr. Leonard A. Harris, Executive Secretary of the Subcommittee, Code RTM-6, NASA Headquarters, Washington, DC 20546. Telephone 202/755-2364.

Dated: April 14, 1980.

Russell Ritchie

Deputy Associate Administrator for External Relations.

[FR Doc. 80-11720 Filed 4-17-80; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMISSION ON AIR QUALITY

Meeting

The National Commission on Air Quality hereby gives notice of a meeting scheduled for May 19. The meeting will be in Room 4200 of the Dirksen Senate Office Building, located at First Street, N.E., and Constitution Avenue N.E., Washington, D.C., and will begin at 9:00 a.m.

The proposed agenda includes the following items:

1. Approval of the minutes of the January 28 and February 11, 1980 Commission meetings.
2. Presentations on the results of the following NCAQ Expert Panels:
 - Atmospheric Dispersion Modeling Panel.
 - Photochemical Oxidant Review Panel.
 - Benefit Methodology Evaluation Panel.
3. Report on the Regulatory Reform Workshop.

Questions about the meeting should be directed to Mr. Morris A. Ward,

Assistant Director for Public Affairs and Administration, at (202) 245-6355.
National Commission on Air Quality.
William H. Lewis, Jr.,
Director.

April 15, 1980.
[FR Doc. 80-12028 Filed 4-17-80; 8:45 am]
BILLING CODE 6820-99-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for International Programs; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for International Programs.

Date: May 8-9, 1980.

Time: 9:00 AM-5:00 PM each day.

Place: Room 1224, 1800 G Street, N.W., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Bodo Bartocha, Director, Division of International Programs, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550, Telephone: 202/632-5798.

Purpose of Advisory Group: The Advisory Committee for International Programs provides advice, recommendations, and oversight concerning support for activities related to international scientific and technical cooperation.

Agenda: Closed—Review and comparison of declined proposals (and supporting documentation) with successful awards under the Division of International Programs, including review of peer review materials and other privileged material.

Reason for Closing Meeting: The meeting will deal with a review of grants and declinations in which the Committee will review materials containing the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This meeting will also include a review of peer reviews documentation pertaining to applicants. Any non-exempt material that may be discussed at this meeting (proposals that have been awarded) will be inextricably intertwined with the discussion of exempt material and no further separation is practical. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such documentation by the Director, NSF, on July 6, 1979.

Dated: April 15, 1980.
M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 80-11722 Filed 4-17-80; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee for Psychobiology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L., 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Psychobiology of the Advisory Committee for Behavioral and Neural Sciences.

Date and Time: May 5-6, 1980, 8:30 a.m.-5:00 p.m. each day.

Place: National Science Foundation, 1800 G Street, N.W., Room 321, Washington, D.C.

Type of Meeting: Open—May 6, 11:00 a.m.-5:00 p.m. Closed—May 5, all day; May 6, 8:30-11:00.

Contact Person: Dr. Fred Stollnitz, Program Director, Psychobiology Program, Room 320, National Science Foundation, Washington, D.C., 20550, Telephone (202) 632-4264.

Summary Minutes: May be obtained from the Contact Person, Dr. Fred Stollnitz, at the above stated address.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Psychobiology.

Agenda: May 5 and 6—To review and evaluate research proposals as part of the selection process for awards.

May 6, 11 A.M.-5 P.M. (1) Definition of Psychobiology Program; (2) Promising research direction; (3) Optimal use of limited funds; (4) Dissemination of information about Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 15, 1980
M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 80-11723 Filed 4-17-80; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee for Sensory Physiology and Perception; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463,

as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Behavioral and Neural Sciences Subcommittee for Sensory Physiology and Perception.

Date and time: May 4 and 5, 1980, 9:00 a.m. to 5:00 p.m. both days.

Place: The Lido Room, Sheraton Sandcastle, Lido Beach, 1540 Benjamin Franklin Drive, Sarasota, FL 33577.

Type of Meeting: Closed.

Contact Person: Dr. Terrence R. Dolan, Program Director, Sensory Physiology and Perception, Room 320, National Science Foundation, Washington, D.C. 20550.

Summary Minutes: May be obtained from the Contact Person, Dr. Terrence R. Dolan, at the above-stated address.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in sensory physiology and perception.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 15, 1980.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 80-11724 Filed 4-17-80; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee on Regulatory Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Regulatory Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: May 7, 8, 9, 1980 (8:30 a.m. to 5 p.m.).

Place: Conference Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Bruce L. Umminger, Program Director, Regulatory Biology, Room 333, National Science Foundation,

Washington, D.C. 20550, telephone (202) 632-4298.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in regulatory biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 15, 1980.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 80-11721 Filed 4-17-80; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Procedures and Administration Subcommittee; Meeting

The ACRS Procedures and Administration Subcommittee will hold a meeting on April 30, 1980 in Room 1010, 1717 H St., NW, Washington, DC 20555.

In accordance with the procedures outlined in the *Federal Register* on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Wednesday, April 30, 1980

1:00 p.m. until the conclusion of business.
(Open)

The Subcommittee will consider policies and procedures applicable to the ACRS Fellowship Program and possible reorganization of the ACRS Staff functions, as well as other

miscellaneous matters regarding ACRS procedures.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Raymond F. Fraley (telephone 202/634-3265) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 14, 1980.

John C. Hoyle,
Advisory Committee, Management Officer.

[FR Doc. 80-11957 Filed 4-17-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Activities; Meeting

The ACRS Subcommittee on Regulatory Activities will hold an open meeting on April 30, 1980, in Room 1167, 1717 H St., N.W., Washington, DC 20555.

In accordance with the procedures outlined in the *Federal Register* on October 1, 1979 (44 FR 56408) oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Wednesday, April 30, 1980

The meeting will commence at 8:45 a.m.

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

(1) Regulatory Guide 1.144, Revision 1, "Auditing of Quality Assurance Programs for Nuclear Power Plants" (Post Comment)

(2) Regulatory Guide 1.XXX, "Nuclear Power Plant Simulators for Use in Operator Training" (Pre Comment)

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory Guide 1.144, Revision 1 may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the

meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practicable to Mr. Sam Duraiswamy (ACRS), the Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission, Washington, D.C. 20555 or telecopy them to the Designated Federal Employee (202-634-3319) as far in advance of the meeting as practicable. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Sam Duraiswamy, (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 14, 1980

John C. Hoyle,
Advisory Committee, Management Officer.

[FR Doc. 80-11956 Filed 4-17-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co.; Granting of Relief From ASME Section XI Inservice Inspection Requirements and of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code Section XI, Rules for Inservice Inspection of Nuclear Power Plant Components and has issued Amendment No. 27 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The relief and associated amendment are effective as of April 7, 1980.

The licensees are relieved from performing visual and surface or volumetric inservice inspections (ISI) examination of the cladding on the reactor vessel head, and visual examination of the cladding in the

pressurizer in the steam generators because other examinations have been found to be suitable alternatives.

The amendment is administrative in nature and simply deletes all references to Table 4.4-4. The ISI requirements formerly covered by that table are now provided for in the NRC approved facility ISI program as amended with the exception of the Notation to Table 4.4-4 which is now included in Technical Specification 3/4 4.10.

The request for relief and the application for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief and in the license amendment. Prior public notice of this action was not required since neither the relief nor the amendment involves a significant hazards consideration.

The Commission has determined that the granting of this relief and the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this action.

For further details with respect to this action, see (1) the licensee's request for relief and application for amendment dated February 15, 1980 as supplemented February 21, 1980, (2) the Commission's letter dated April 7, 1980, (3) Amendment No. 27 to License No. DPR-66 and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of April, 1980.

For the Nuclear Regulatory Commission,
A. Schwencer,

Chief, Operating Reactors Branch No. 1,
Division of Operating Reactors.

[FR Doc. 80-11958 Filed 4-17-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

**Iowa Electric Light & Power Co., et al.;
Issuance of Amendment to Facility
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center (DAEC) located in Linn County, Iowa. The amendment is effective as of the date of its issuance.

The amendment is associated with the fourth refueling of DAEC and changes the Technical Specifications to (1) include prepressurized 8 x 8 retrofit fuel, (2) revise operating limit minimum critical power ratios, and (3) incorporate administrative improvements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 22, 1980, (2) Amendment No. 59 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 10th day of April 1980.

For the Nuclear Regulatory Commission,
Thomas A. Ippolito,
Chief, Operating Reactors Branch #3,
Division of Operating Reactors.

[FR Doc. 80-11959 Filed 4-17-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

**Iowa Electric Light & Power Co., et al.;
Issuance of Amendment to Facility
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of the date of its issuance.

The amendment incorporates provisions into the Technical Specifications for (1) modifications associated with degraded grid voltage protection, (2) installation of the end-of-cycle recirculation pump trip, (3) modification of a reactor protection instrumentation set point, and (4) modifications associated with the containment suppression chamber.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated August 30, 1977 (supplemented March 18, 1980), October 22, 1979 (supplemented April 9, 1980), and March 4, 1980, (2) Amendment No. 58 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555,

Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 10th day of April 1980.

For the Nuclear Regulatory Commission,
Thomas A. Ippolito,

Chief, Operating Reactors Branch #3,
Division of Operating Reactors.

[FR Doc. 80-11960 Filed 4-17-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric & Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 58 and 57 to Facility Operating License Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company, which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2 (the facility) located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the requirements for use of temporary containment and ventilation systems during cutting and grinding operations involving components with removable radioactive contamination greater than 2200 disintegrations per minute per 100 square centimeters of surface area. This change, rather than requiring the use of these systems for all such operations, would require their use except when the Licensee's Health Physics Coordinator for the Steam Generator Repair Program determines, based on an evaluation involving "as low as reasonably achievable" considerations, that their use will increase overall occupational radiation exposure to workers involved in the repair activities.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in

connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated August 31, 1979, (2) Amendment Nos. 58 and 57 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of March, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch #1,
Division of Operating Reactors.

[FR Doc. 80-11961 Filed 4-17-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-339]

Virginia Electric & Power Co., North Anna Power Station, Unit No. 2; Issuance of License No. NPF-7

Notice of hereby given that the Nuclear Regulatory Commission (the Commission) has issued License No. NPF-7 to the Virginia Electric and Power Company authorizing fuel loading and low power testing of the North Anna Power Station, Unit No. 2. North Anna Power Station, Unit No. 2 is a pressurized water reactor located near Mineral in Louisa County, Virginia.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. The applications for the license complies with the standards and requirements of the Act and the Commission's regulations.

The license is effective as of its date of issuance and shall expire one year after that date, unless extended for good cause show, or upon earlier issuance or denial of a subsequent licensing action.

A copy of: (1) Authorization No. NPF-7, complete with Technical Specifications; (2) The report of the Advisory Committee on Reactor Safeguards, dated January 17, 1977; (3) The Office of Nuclear Reactor Regulation's Safety Evaluation Report, dated June 4, 1976, and Supplements 1 through 10; (4) The Final Safety Analysis Report and amendments thereto; (5) the

Final Environmental Statement, dated April 1973; and Addendum and Errata thereto, dated November 1976 (NUREG-0134) are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document rooms in the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901 and Board of Supervisors, Louisa County Courthouse, P.O. Box 27, Louisa, Virginia 23093.

A copy of the license and the Safety Evaluation Report and Supplements 1 through 10 may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 11th day of April 1980.

For the Nuclear Regulatory Commission.

Olan D. Parr,

Chief, Light Water Reactors Branch No. 3,
Division of Project Management.

[FR Doc. 80-11962 Filed 4-17-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Demonstration Project: An Integrated Approach to Pay, Performance Appraisal, and Position Classification for More Effective Operation of Government Organizations

AGENCY: Office of Personnel Management.

ACTION: Notice of approval of a demonstration project final plan.

SUMMARY: Title VI of the Civil Service Reform Act of 1978 authorizes the Office of Personnel Management to conduct demonstration projects which experiment with new and different personnel management concepts under controlled conditions. The proposed demonstration project plan was published in the *Federal Register* on December 4, 1979. This is the final demonstration project plan approved by the Office of Personnel Management.

DATES: *Approval Date:* The demonstration project plan was approved by the Office of Personnel Management on April 9, 1980. *Implementation Date:* The demonstration project may be implemented after the expiration of the 90-day congressional review period which ends on July 10, 1980.

FOR FURTHER INFORMATION CONTACT:

(1) In San Diego, California: Susan Rainville, (714) 225-2132.

(2) In China Lake, California: Dick Johnson, (714) 939-2434.

(3) In Washington, D.C.: Donald Hill, (202) 632-6898.

SUPPLEMENTARY INFORMATION:**1. Background**

The Department of the Navy submitted a proposal for consideration as a demonstration project under Title VI of the Civil Service Reform Act of 1978 (92 Stat. 1185) entitled "An Integrated Approach to Pay, Performance Appraisal, and Position Classification for More Effective Operations of Government Organizations." The purpose of the project is to demonstrate that the effectiveness of Federal laboratories can be enhanced by developing an integrated approach to pay, performance appraisal and position classification and by allowing greater managerial control over personnel functions. At the same time, the proposed systems would expand the opportunities available to employees through a more responsive flexible personnel system. In order to accomplish these purposes, changes are proposed that include (a) a more flexible, manageable, and understandable classification system; (b) a performance appraisal system that links performance objectives, compensation, and organizational effectiveness; (c) an expanded application of the merit pay concept; (d) recognition of demonstrated individual performance in the reduction-in-force (RIF) process; (e) substitution of streamlined procedures for performance-based-action procedures for the movement of employees between classification levels; and (f) use of suspended penalties in certain adverse action situations. The initial demonstration base will comprise all technical professionals GS-5 through GS-15 and all other GS-13 through GS-15 employees at the two participating organizations: the Naval Ocean Systems Center (NOSC), San Diego, California, and the Naval Weapons Center (NWC), China Lake, California. Additional categories that may be included subsequently are technicians and administrative professionals below GS-13 and clerical personnel. The basic increment will include approximately 1,500 employees at each of the two Centers.

A proposed demonstration project plan was published on December 4, 1979, in the *Federal Register* (44 FR 69876). On that same date, copies of the proposed plan were transmitted to both

Houses of the Congress as required by 5 U.S.C. 4703(b)(4). The public comment period began on December 4, 1979. A notice in the *Federal Register* on February 8, 1980 (45 FR 8782), extended the time period for the submission of written comments to February 29, 1980. Public hearings were held on the proposed demonstration project plan on January 21, 1980, in San Diego, California; on January 22, 1980, in Ridgecrest, California (China Lake); and on January 31, 1980, in Washington, D.C.

2. Summary of Comments

A. Analysis of Comments. Comments received during the comment period could be categorized as follows:

	Letters	Hearing witnesses
Expression of overall project support.....	14	10
Expression of support mixed with concerns or suggestions.....	2	2
Expression of comments, questions, or suggestions without indication of support or opposition.....	3	18
Expression of overall project opposition.....	8	15
Expression of mainly opposition mixed with support for a few features.....	0	4
Total.....	27	49

B. Comments in support of the project generally cited the advantages of:

- (1) rewarding high performance relative to low performance;
- (2) cutting down on paperwork;
- (3) developing meaningful job-related position descriptions;
- (4) developing more flexible classification standards;
- (5) establishing a dual career ladder which does not require an employee to enter supervision in order to advance;
- (6) having local control over the merit pay system;
- (7) competing with private sector pay in recruitment;
- (8) reassignment/staff utilization flexibility;
- (9) recognizing job performance in reduction in force;
- (10) increasing productivity; and
- (11) linking performance appraisal to individual and organizational goals.

C. Comments in opposition to the project or expressing other concerns were directed at the reduction-in-force (RIF) provisions, managerial problems, merit pay, performance appraisal, employee rights and protections, project evaluation, and employee input toward development of the demonstration project. The nature of comments is summarized below:

(1) RIF provisions. Most of the objections to the RIF provisions expressed the belief that the emphasis

on performance in RIF retention violates the intent and spirit of veterans' preference laws. Other comments noted that the RIF provisions do not provide for early retirement and that retention based on performance appraisals increases the possibility of favoritism and unfairness.

(2) Managerial problems. Observations were made that the same supervisors who cannot make the present system work are expected to make the demonstration project work, and that employees are asked to trust in management's benevolence. Objections were made to what was felt is the overwhelming discretion and authority being granted to management. Opinions were expressed that managers can accomplish the same objectives without waiving laws or having a demonstration project. There was also a feeling that other organizational and management problems which are not being addressed by the demonstration project should be addressed, such as lack of clearly defined organizational goals and supervisory roles, lack of adequate support facilities and personnel, the existence of personnel ceilings, lack of communication, and ineffective administrative and management procedures and other constraints.

(3) Merit pay. Opinions were expressed that the Civil Service Reform Act (CSRA) merit pay system should be implemented and evaluated before a similar system is extended to all professional employees; that merit pay should not be extended beyond the CSRA coverage of GS-13-15 managers and supervisors; and that it is unfair to subject a small group of Navy employees to monetary disadvantages not shared by other Federal employees. Concern was expressed that employee pay will be redistributed since total funding will not increase for the Centers; i.e., larger entry salaries and merit increases will cause corresponding reduction in salaries of other employees and create intense competition among employees. Concern was expressed also at the elimination of grade retention and pay comparability and the possibility that the same outstanding performance could be rewarded differently within the organization.

(4) Performance appraisal. Arguments were expressed against implementing a performance by objectives system: It is more suitable for a production environment than a research and development (R&D) environment; it encourages the setting of safe, short-term objectives which can easily be met; the quality of the objective should be evaluated since technically deficient

objectives would not be terminated as long as performance objectives are being met; and qualitative R&D work should not be measured by a rigid quantitative benchmark review system. Arguments were given against using money as a primary motivator among high-producing, highly-paid professionals. Other motivators were suggested, such as professional growth, environment, responsibility, and recognition. Objections were expressed at the emphasis on performance when other attributes deserve importance (seniority, experience, adaptability). Others expressed opinions that performance is outstanding already and cannot be improved substantially and that the project increased the likelihood of favoritism creeping in.

(5) Employee rights and protections. Opposition was voiced against the substitution of Navy streamlined internal review procedures for the appeal process of the Merit Systems Protection Board (review of RIF actions and of performance-related movement between classification levels because of continued poor performance).

(6) Project evaluation. Objections were expressed to what is believed to be the lack of independence of both the internal and external (University of Southern California) evaluators.

(7) Employee input toward development of the project. Complaints were expressed about the small number of nonmanagers and absence of technicians involved in the development of the project. Some employees wanted to be given an opportunity to vote on whether they wanted to participate in a demonstration project.

D. Demonstration Project Changes

Compared to the total number of employees who will comprise the initial increment (approximately 3,000), the response was quite small. Comments supporting and opposing the project were about equally divided with a substantial number offering opinions, suggestions, and concerns without indicating either support or opposition. Many of the comments were based on personal opinion of what is considered good or best for employees or the organization, such as whether CSRA merit pay should be implemented and evaluated before experimenting with a demonstration project involving merit pay. Another example is the opinion that employees should not be subjected to disadvantages not shared by other Federal employees. Yet, the Congress has authorized different treatment of Federal employees under controlled experimentation by its enactment of the Title VI section of the Civil Service

Reform Act. Other comments, while valid and raising important issues, are subject to debate, such as whether MBO is suitable for an R&D environment. However, many of the concerns expressed during the public comments period involve specifics of the project which will be addressed in the implementing regulations and procedures, rather than in this general project plan.

The Office of Personal Management has decided that the advantages of the demonstration project outweigh the disadvantages and that the project should be approved. Editorial and other revisions have been made to the project plan in order to clarify certain provisions. In addition, the following summarizes substantive changes to project plan provisions, the page numbers referring to the pages of the proposed project plan which was published in the *Federal Register* on December 4, 1979:

(1) Added provision that should the project be terminated prior to October 1, 1981, employees will exit the project at the GS grade at which they entered the project unless they have been promoted to a higher level under the demonstration project, in which case they will exit at the GS level equivalent to the demonstration project level.

(2) Added provision that prior to inclusion of additional career paths, affected employees and interested organizations will be given an opportunity to comment on expansion of the project.

(3) On page 69887, and Table 6 on page 69891, revised description of basic incentive increases and additional incentive increases to show that employees in the "Needs Improvement" category will not receive a salary increase and that employees in each of the remaining categories (b through o) will receive correspondingly larger salary increases from available funds.

(4) Revised page 69887 deleting specific wording on percentage distributions of the work force between classification levels and among performance levels. Replaced with general wording that management controls may be utilized to ensure a balanced work force and equity.

(5) Added provision (p. 69891) to provide a saved dollar salary amount for a reasonable period for employees involved in RIF who are reduced in level through no fault of theirs.

(6) Added provision for higher level "N" rated employees to exercise retreat rights (to positions formerly held or promoted through) to lower level positions as though they were rated "M". This provision recognizes an "N"

rated employee's potential for successful performance at a lower level in a position formerly held.

Office of Personnel Management.
Beverly M. Jones,
Issuance System Manager.

The demonstration project plan as approved by the Office of Personnel Management reads as follows:

An Integrated Approach To Pay, Performance Appraisal, and Position Classification for More Effective Operation of Government Organizations

A Plan for a Demonstration Project Authorized by Title VI of the Civil Service Reform Act of 1978

Prepared by Naval Ocean Systems Center, San Diego, California 92152, Naval Weapons Center, China Lake, California 93555

Executive Summary

The enclosed plan is submitted to the Office of Personnel Management as a demonstration project designed to improve the performance of federal employees, as authorized by Title VI of the Civil Service Reform Act (CSRA). For the reader's convenience, a broad summary of the information contained in this plan is provided below. For more information, the reader is referred to corresponding sections of the report.

Purpose

The purpose of the project is to demonstrate that the effectiveness of federal laboratories can be enhanced by allowing greater managerial control over personnel functions and, at the same time, expanding the opportunities available to employees through a more responsive and flexible personnel system. In order to accomplish this purpose, changes are proposed that include (1) a more flexible, manageable, and understandable classification system; (2) a performance appraisal system that links performance objectives, compensation, and organization effectiveness; (3) an expanded application of the merit pay concept; (4) recognition of demonstrated individual performance in the reduction-in-force (RIF) process; and (5) the use of suspended penalties in certain adverse action situations. Together these changes can help managers to operate with more authority, responsibility, and skill to increase work force and organizational effectiveness and efficiency.

Participating Organizations

The Naval Ocean Systems Center (NOSC), San Diego, and the Naval

Weapons Center (NWC), China Lake, Calif., will be joint participants in the project. The School of Public Administration, University of Southern California, Los Angeles, will serve as an independent project evaluator. The Office of Personnel Management (OPM), including the Western Regional Office, will provide assistance to the project, as will components of the Department of the Navy.

Types and Numbers of Participating Employees

The initial increment will comprise all technical professionals (GS-5 through GS-15) and all other GS-13 through 15 employees, as shown in Table 2, at the two participating Centers. Additional categories that may be included subsequently are technicians and administrative professionals below GS-13 and clerical personnel. The basic

increment will include 1,500 employees at each of the two Centers.

Methodology

This plan spells out the methodology to accomplish over a 5-year demonstration period the following specific changes: (1) five levels of classification; (2) broad pay bands within classification levels, with individual placement into one of five basic incentive pay groups; (3) development of general classification/performance standards; (4) performance appraisal based on Performance by Objectives; (5) reduction-in-force procedures that emphasize performance while substantially retaining existing ranking factors; and (6) the use of suspended penalties in certain adverse action situations. Figure 1 illustrates the pay and performance changes of this plan.

Training

Three groups will be trained during the first year of project implementation: (1) supervisors of demonstration employees, (2) demonstration employees, and (3) personnel professionals and other administrative staff. Included in training for each of these groups will be information on the new system and how it works, and on employee and supervisor rights and responsibilities under this system. In addition, instruction and practice in objective-setting skills will prepare supervisors and employees for the Performance by Objectives process. Training for new supervisors and employees will be given throughout the 5 years of the project.

Evaluation Plan

In order to assess project outcomes and to evaluate the feasibility of applications to other federal organizations, a comprehensive and methodologically rigorous evaluation model is being developed. Figure 2 summarizes the major categories of variable involved and specifies a set of relationships that will be monitored and evaluated. The evaluation effort will include (1) pre-implementation criteria-setting and baseline data collection, (2) multidimensional performance measurements and trend evaluations at specified stated of the demonstration, and (3) a summative-phase comprehensive assessment of the project's overall impact on a set of outcome measures.

In addition to the above-mentioned measures and data, there will be an ongoing monitoring of existing records and reports on the laboratories. Unobtrusive measures will be kept on such basic considerations as the profile of the scientific and engineering work force of the laboratories, including EEO profiles to enable measurement of EEO impact as defined in the Uniform Guidelines on Employee Selection Procedures.

When methodologically justifiable, control group data will be obtained from other Navy laboratories not involved in the project.

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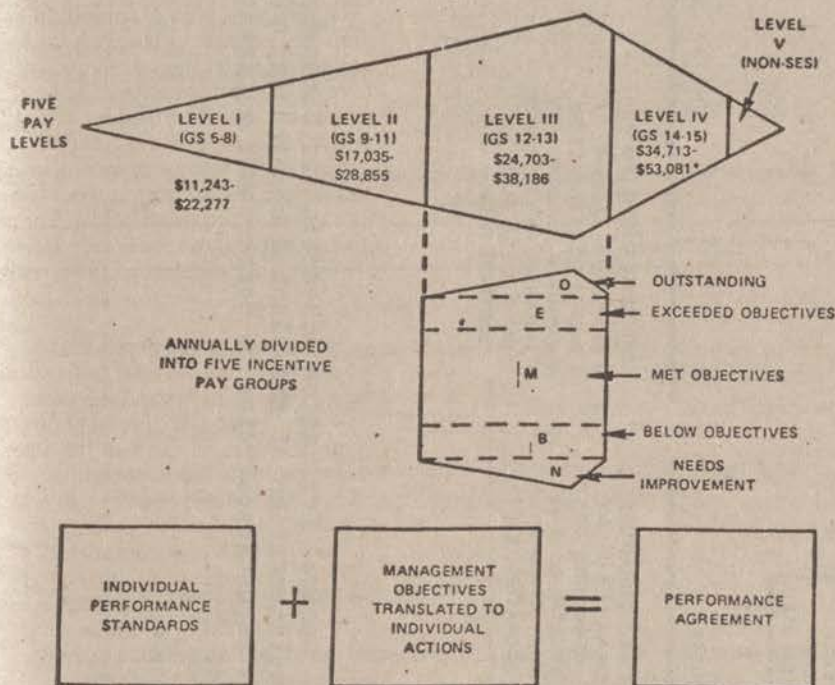


FIGURE 1. Pay and Performance Plan.

*SUBJECT TO STATUTORY LIMITATION

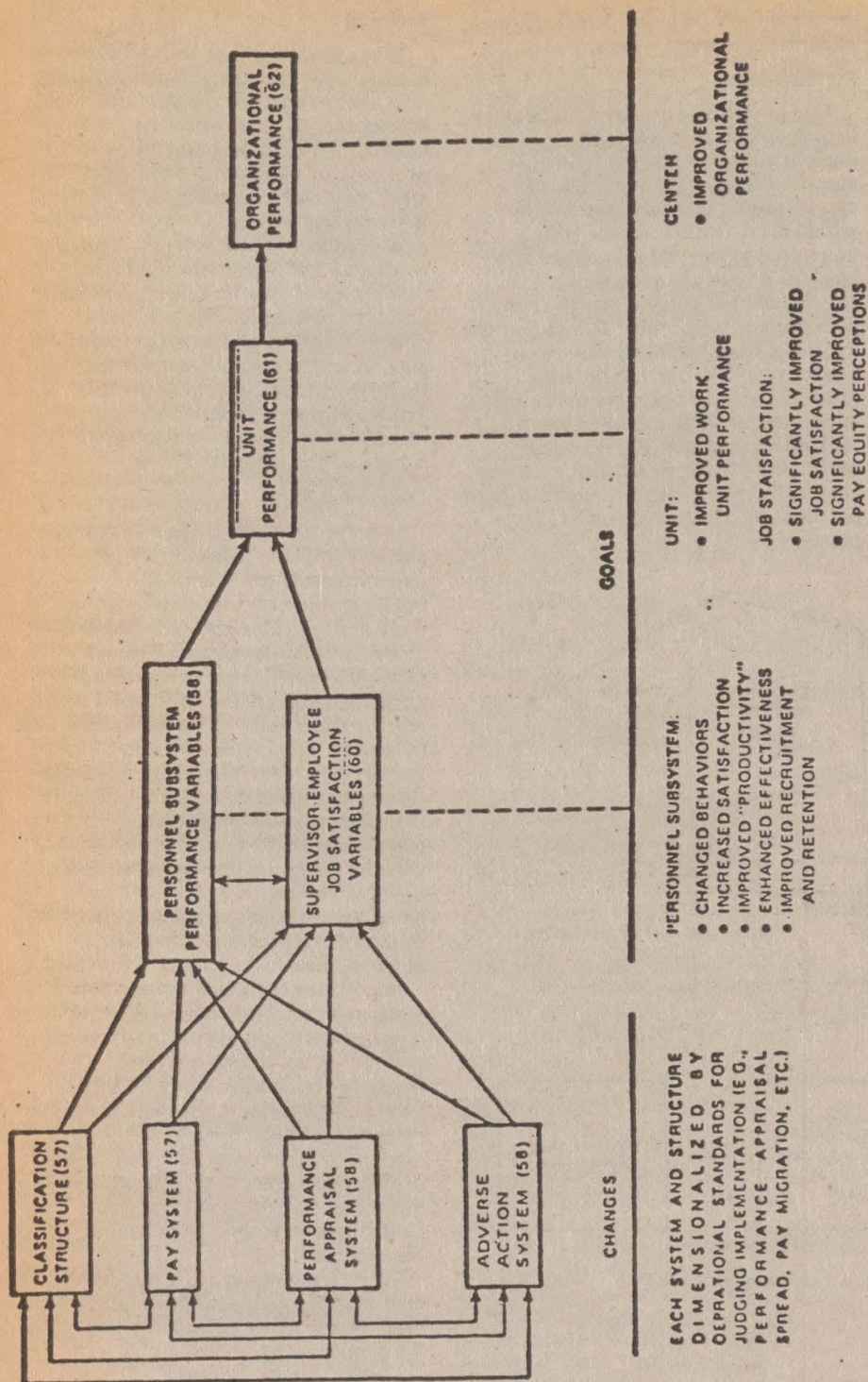


FIGURE 2. General Evaluation Schematic for Demonstration Project. The relationships between implementation of the planned changes and variables to be evaluated are shown. Numbers in parentheses refer to corresponding pages in this proposal for further discussion.

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Longitudinal measures, beginning with pre-implementation data, will be collected from the affected Centers in an effort to track impacts.

The evaluation staff will be drawn from internal and external sources. Qualified laboratory staff members will work with members of the faculty of the School of Public Administration, University of Southern California, on the design and execution of the evaluation package.

Costs

Efforts will be made to obtain congressional funding for this demonstration project. If congressional funding is not available, the costs associated with the project will be borne by the Department of the Navy and the two participating Centers, with funding provided out of normal activity training and administrative overhead funds. The total cost for the 5-year project is estimated to be \$2,700,000 (in fiscal year 1979 dollars). It should be noted that a significant part of this cost would otherwise be incurred in implementing the provisions of the Civil Service Reform Act of 1978.

Authorities and Waivers of Law and Regulation Required

Specific authorities are needed by the participating Centers to establish and implement new merit pay control techniques not currently in the law. In addition, authority is needed to waive or modify certain sections of Title 5 in order to give project participants the necessary classification authority, merit pay flexibility, and other authorities to accomplish the demonstration project.

Anticipated Benefits of Project

The project is expected to demonstrate that a management-centered personnel administration process will lead to more efficient and effective use of the resources of the participating Centers. In addition, by providing a means of real-world testing for models of improved and simplified classification and performance evaluation systems, the project will have results that can be applied throughout the Federal service. Some examples of anticipated effects caused by the changes and corresponding measures for evaluating these effects are depicted in Table 1.

An Integrated Approach to Pay, Performance Appraisal, and Position Classification for More Effective Operation of Government Organizations

Introduction

The demonstration project described here is designed to make operational and systematically test a set of major modifications in federal personnel practices. These changes are intended to move the affected organizations toward a management-centered personnel administration process. The demonstration project postulates that increased authority, flexibility, and accountability for Civil Service managers will lead to more productive use of federal resources and higher levels of organizational effectiveness. It is also expected that many employees will benefit from the project's performance-linked pay incentives; the opportunity for better (and more frequent) communication with supervisors on performance objectives; increased opportunity to benefit from the "dual ladder" concept that will be expanded as a result of new, more flexible classification standards; and more opportunity to move between organizational units through the use of a standardized position descriptions.

The project will implement a system under which personnel administration is not approached as something to be done *for* public managers, but, rather, as something to be done *by* managers as an integral element of their range of responsibilities. The project is intended to carefully evaluate the proposition that effective public administration depends in large measure on the individual manager's capacity to deal with situations through the active design, administration, and evaluation of personnel policies and procedures.

In the competitive environment of the private sector, an organization must be capable of sensing and responding to change rapidly. The organizations that are unable to adapt to change are often forced out of existence by their more innovative, adaptive competitors. In comparison to public managers, private sectors managers typically have much more flexibility in disposition and application of resources (especially personnel resources) and have much more accountability for their performance in managing these resources.

Under the existing federal personnel system managers are denied direct control, are not encouraged to innovate, and are tightly constrained in many areas. This project, if approved, will reverse many of these conditions. Public

TABLE 1. Some Examples of Anticipated Effects Caused by the Planned Changes, With Measures for Evaluating These Effects.

Change	Anticipated effects	Evaluation measures
Classification and pay.....	Increased recruitment success	Cost per recruit, recruit quality and quantity
	Flexibility of workload assignment	Time, cost of reassignments and transfers
	Increased personnel subsystem "productivity"	OPM productivity measurement approach
Performance appraisal..	Correlation of pay and performance	Perceived equity
	Increased employee commitment	Satisfaction and commitment instruments ("A" Survey)
	Decreased turnover of "desirable" employees	Turnover rate of critical employees
	Increased turnover of low performers	Turnover rate
	Increased organizational effectiveness	Peer, sponsor, and user evaluations; cost to conduct business
Retention..	Retention of high performers	Retention rates
Adverse action.....	Improved behavior of problem employees	Number of suspended penalties affected as opposed to those not affected

managers in two Navy research and development organizations will be given the opportunity to function in an environment structured to promote direct managerial control over and accountability for several critical personnel functions.

It is anticipated that the project will demonstrate that public managers can be trusted to take these new and changed responsibilities seriously, and that they will act in the best interests of the public service, their organizations, and their personnel. It is also expected that the creation of a management-centered personnel system will, to an extent far exceeding that of the present system, stimulate managers to respond creatively to the problems of goal-oriented manpower management, to develop the required skills, and to economize in their uses of the resources allocated to them. Finally, the project will actualize the principle that public managers, once given the tools and resources, should be held accountable for their decisions and practices with regard to personnel administration, and that such accountability is an essential ingredient of effective and efficient administrative action.

It should be noted that nothing in the demonstration project is intended to minimize the importance of the "human element" in personnel administration. While the project is management-centered, it has evolved with an ongoing concern for the welfare of employees, both supervisory and nonsupervisory, who will have to jointly adhere to project provisions during the project term. None of the elements of the plan were designed to minimize the rights of individuals or in any way diminish the concern management has for the general welfare of the work force. This demonstration will be conducted in accordance with all EEO laws, regulations, and guidelines.

Under the provisions of Title VI of the Civil Service Reform Act, OPM approval of this demonstration project constitutes approval for its potential application to all employees at the participating Centers, subject to the statutory ceiling limitation of 5,000. Additional career paths will be the subject of future discussion, consultation, and agreement with OPM.

Problem Areas in Current Personnel System

In its findings, the Task Force on the Federal Personnel Management Project identified a number of areas where changes in the federal personnel system were needed to increase the efficiency and effectiveness of the federal work force. Many of these problem areas were directly addressed by the Civil Service Reform Act (CSRA) of 1978. The CSRA also provided for demonstration projects where additional areas could be explored to determine if the removal or change of constraints or regulations could increase effectiveness and efficiency.

This demonstration project addresses problems in key areas within the existing personnel system. The project proposes solutions for these problems, outlined below, by giving managers the authority and accountability to increase both the efficiency and the effectiveness of the work force by stimulating individual and organizational performance. It is expected that this approach to personnel resource management will prove adaptable to a wide spectrum of federal organizations.

Classification

The current classification system is confusing and complex; to a large extent, it diminishes the manager's role in setting pay and gives position classifiers an inordinate degree of responsibility in this process. Neither managers nor employees understand the current method of classifying positions; they see the system as one that impinges on their flexibility. The system delays recruitment actions, which must wait for positions to be classified. It also limits managers' ability to transfer personnel from one functional area to another; delays occur while managers wait for positions to be classified or find that the position to which an employee is to be moved is not classifiable at the appropriate grade level. Classification of positions consumes the time and energy of the personnel staff and precludes their involvement in assisting management with other critical personnel resource problems. In addition, the complex classification system causes some professionals to leave federal service for private

industry, where managers can more readily reward performance, contributions, and responsibility with pay.

Average grade level and high grade level ceilings also limit management flexibility under the current classification system. Once a ceiling is reached, existing limitations preclude promoting other deserving employees. While the demands of projects and work assignments change, management has very limited flexibility to move employees up or down. This project proposes to demonstrate that this flexibility can be obtained by placing budgetary rather than grade constraints on activities, and by giving them greater flexibility to adjust pay. Availability of broad categories of capability and responsibility in lieu of the present too finely segmented classification standards will allow suitable recognition for project managers and technical specialists and will minimize supervisory layering.

Performance Appraisal

The performance appraisal systems existing prior to the Civil Service Reform Act were unsatisfactory to both supervisors and employees. This project will increase the importance of performance appraisals because it provides that these systems will have close link with pay decisions.

Any system becomes meaningless without pay incentives to reward good performance or withhold incentives from low performers. While the supervisor may have high expectations for subordinate performance, a system that does not translate these expectations into meaningful management actions cannot be effective. The planned change ensures that this translation will take place.

An associated problem is the lack of a universally applied, objective system to measure the employee's effectiveness in relation to organizational goals. The Performance by Objectives system will provide a means for generation of objective and useful feedback for the employee from the performance appraisal, as well as a basis for decision-making for the supervisor.

Merit Pay

A major problem area in the current system is the lack of sufficient incentives and rewards for good performance and meaningful sanctions for poor performance. The CSRA changes in the merit pay concept address this problem. The participating Centers feel, however, that they do not apply to enough of the work force. The rigid classification system also works counter to the principle of flexibility for incentives and disincentives. In addition, the present practice of granting "automatic" step increases for virtually all employees limits a tool that managers could better utilize.

An effective recruitment tool that is denied to today's federal organizations is the ability to offer to recent college graduates or other potential employees the incentive that their pay will increase to keep pace with their performance and responsibilities.

While the CSRA provides a basis to address the merit pay problem for mid-level supervisors and managers, this demonstration project proposes applying CSRA concepts to a much broader base.

Reduction in force

In existing RIF procedures, the regulations do not appropriately recognize performance as a factor in a RIF situation. The granting of 4 years' seniority on the basis of an outstanding performance rating rarely has a significant effect on RIF actions. Managers typically see some of their better performers move to lower grades or leave the organization because their performance is not adequately recognized in the RIF process. The EEO program often suffers, too, from a RIF situation where those with the lowest retention standings are recently hired female or minority-group employees.

The demonstration project addresses this problem by including performance as the prime factor in rankings for retention standings, thus giving managers a better chance to retain outstanding performers at all levels.

Suspended Penalty

Currently, situations exist where otherwise capable and previously productive employees suffer from alcohol- and drug-related disorders or become inadvertently involved in situations of real or apparent conflict of interest. Current penalties for these offenses are frequently excessively severe if improvement or corrective behavior results, while lesser penalties are sometimes insufficient to motivate higher quality performance or changed

behavior. A process that permits the assignment of relatively severe penalties that can be suspended during a specified improvement/correction period (much like a suspended sentence in the courts) is proposed as a useful management tool.

Approach of Demonstration Project

Purpose

The purpose of the project is to demonstrate that the effectiveness of federal government organizations can be enhanced by allowing greater managerial control over personnel functions. The approach will move managerial responsibilities in the direction of those available to the private sector. Profit is the prime measure of efficiency and effectiveness for private sector managers. Since measures of profit are nonexistent in the public sector, the demonstration project contains a thorough and critical evaluation plan designed to measure other relevant factors that indicate effectiveness.

The demonstration project is expected to provide the two participant Centers with a means to respond much more effectively to the demands of their assigned missions. In addition, broad applicability is anticipated; by providing a means of real-world testing for models of improved and simplified classification and performance evaluation systems, the project will have results that can be applied throughout the federal service.

Changes Required

In order to accomplish the purpose of the demonstration project, it will be necessary to effect the following changes:

1. Simplify the classification system to make it more flexible, manageable, and understandable.
2. Make the performance appraisal system more realistic by including compensation as the outcome and by developing performance objectives that are tied to organizational effectiveness.
3. Provide a positive link between performance and compensation by expanding the application of the merit pay concept.
4. Emphasize performance as a primary criterion in the retention process by giving due emphasis to demonstrated individual performance.
5. Encourage behavioral changes by use of suspended penalties in certain adverse action situations.

These changes will be effected through a model that will provide increased personnel management authority to the line supervisor, and at the same time expand the opportunities

available to employees through a more responsive and flexible personnel system. The simplified classification system will group all affected personnel into broad occupational and responsibility categories. Each such classification category will have a significantly wider range of pay than is provided by the grade level boundaries of the present classified schedule. Line managers will have discretion to establish individual pay rates within the classification categories through initial offers and through performance evaluation.

Participating Organizations

It is planned to demonstrate the model over a 5-year period at the Naval Ocean Systems Center (NOSC), San Diego, and at the Naval Weapons Center (NWC), China Lake, Calif. Although there are many differences between these two Centers (mission areas, climate, geographic location, cultural milieu), similarities of position within the Department of the Navy, types of employees, and types of work functions greatly outweigh these dissimilarities and make the two Centers uniquely fitted as a two-site experimental group. (Appendix A contains additional information on NWC and NOSC.) It is planned to begin the demonstration with the initial increment of employees as shown in Table 2, and follow with other specific segments of the work force as feasible within the 5-year time frame.

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TABLE 2. All Technical Professionals (GS-5 through -15) and All Other GS-13 through -15 Employees Included in the Initial Increment of the Demonstration Project.

Series	Type of occupation Title	Approximate number of eligible personnel by parti- cipating activity	
		NOSC	NWC
28	Environmental protection specialist.....	...	2
132	Intelligence specialist.....	5	0
150	Geographer.....	...	1
180	Engineering psychologist.....	19	4
330	Digital computer systems administrator....	1	...
334	Computer specialist.....	96	...
340	Program manager.....	4	3
345	Program analyst.....	12	2
391	Communication management specialist.....	6	...
393	Communication specialist.....	14	...
401	Biological scientist.....	11	1
403	Microbiologist.....	1	...
408	Ecologist.....	1	...
410	Zoologist.....	1	...
413	Physiologist.....	2	...
701	Veterinary scientist.....	1	...
801	General engineer.....	49	151
806	Materials engineer.....	7	7
808	Architect.....	...	7
810	Civil engineer/structural engineer.....	1	11
830	Mechanical engineer.....	98	193
850	Electrical engineer.....	4	6
855	Electronics engineer.....	664	454
861	Aerospace engineer.....	...	102
893	Chemical engineer.....	1	16
896	Industrial engineer.....	2	1
1301	Physical scientist.....	10	7
1306	Health physicist.....	1	...
1310	Physicist.....	222	200
1313	Geophysicist.....	1	...
1320	Chemist.....	12	59
1321	Metallurgist.....	...	4
1350	Geologist.....	...	2
1360	Oceanographer.....	20	...
1515	Operations research analyst.....	57	63
1520	Mathematician.....	76	93
1529	Mathematical statistician.....	2	3
1550	Computer scientist.....	7	13
All	GS-13 through -15 employees.....	32	61
Other			
	Total.....	1,430	1,466

The School of Public Administration of the University of Southern California (USC), Los Angeles, will be responsible for an independent evaluation of the project. The USC evaluation team will make this evaluation both through its own methods and measures and through validation and interpretation of the participants' evaluation processes.

The OPM, including the Western Regional Office, will provide consulting assistance during the term of the project and will coordinate the personnel evaluation function to insure compliance to laws, regulations, and policies not waived by the project.

Components of the Department of the Navy will provide assistance to the demonstration project. Assistance will include cooperation of control groups (other Navy laboratories) and waiver of internal DOD and Navy regulations and rules that infringe on the purpose of the project.

Types and Numbers of Participating Employees

The demonstration initial increment

will comprise those employees shown in Table 2. Subsequently, as project number limitations and successful experience permit, additional categories may be included in the following order, subject to consultation and agreement with OPM (approximate target dates provided):

1. Technicians below GS-13 (August 1981)
2. Administrative personnel below GS-13 (August 1982)
3. Clerical personnel (August 1983)

It is planned that prior to inclusion of additional career paths, affected employees and interested organizations will be given an opportunity to comment on expansion of the plan. Table 3 summarizes the numbers of participating employees by category.

The plan is limited to a description of the activities required to demonstrate success for the personnel in the base increment; the requirements for the other employee categories would be similar and are therefore not specified in order to avoid repetition.

2. Broad pay bands within classification levels, with individual pay adjusted annually by placement into one of five basic incentive pay groups.

3. Development of general classification/performance standards.

4. Individual placement in incentive pay groups during a performance appraisal process based on Performance by Objectives.

5. Modification of reduction-in-force (RIF) procedures to emphasize performance while substantially retaining existing veteran's preference, tenure, and length-of-service factors.

6. Substitution of streamlined procedures in those instances where an employee migrates from one classification level to another because of continued poor performance. In such instances, the employee's salary will remain constant.

Demonstration Elements

Classification levels.—The heart of the project is the grouping of the currently used nine-grade (GS-5, -7, -9, -11, -12, -13, -14, -15, and 16+) pay/classification system for professionals into five levels of classification. These levels incorporate expanded pay flexibility by including the intervening grade levels. The levels and comparable GS grades for each level are as follows:

Level I. Assistant Professional Members, GS-5 through GS-8
 Level II. Associate Professional Members, GS-9 through GS-11
 Level III. Professional Members, GS-12 through GS-13
 Level IV. Senior Professional Members, GS-14 through GS-15
 Level V. Professional Exceptional, GS-16 and above
 The fifth level will be added where necessary to accommodate GS-16 through Public Law-level candidates who are not offered or who decline Senior Executive Service (SES) membership.

Table 4 depicts these levels and useful pay overlaps between levels.

These broad pay levels will serve to enhance competitive recruitment of quality candidates, as well as to allow tangible performance-linked distinctions between existing employees.

Classification of employees under such a pay system will be less burdensome and less susceptible to judgemental errors in precise grade placement. The

TABLE 3. Summary of Categories and Numbers of Participating Full Time Permanent (FTP) Employees.¹

Category of employees	Participating activity		Total
	NOSC	NWC	
Technical professional	1,390	1,413	2,803
Technician	396	763	1,159
Administrative professional	245	466	711
Clerical	² 352	550	902
Total	2,383	3,192	5,575

¹ Non FTP employees will be subject to Project provisions where appropriate, but because of annual fluctuations in numbers are not included in this table.

² Only selected groups of clerical personnel would participate to keep the total number of participating employees within the 5,000-employee demonstration project limitation.

Methodology

General Approach

The demonstration project is geared to the Civil Service Reform Act of 1978, existing public and private personnel systems, and anticipated additional

Civil Service legislation in the area of classification and pay. The project provides a closely linked classification, performance, and compensation system. Specific proposed changes include the following.

1. Five levels of classification for the initial increment.

system, in fact, incorporates rank-in-person system with its inherent flexibilities while retaining through the broad groupings the overall benefit of rank-in-job distinctions that can reasonably be applied by supervisors and managers. To the extent that high grade adjustments are required at the completion of the project, the exit procedures discussed later will be employed.

This project envisions four discrete career paths that are related to the current GS grade levels as shown in Table 5 (subject to change as project experience dictates). The current GS system will remain as pay anchor for the project.

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TABLE 4. Basic Technical Professional Pay and Classification Levels.

OLD SYSTEM	GS-5	GS-6	GS-7	GS-8	GS-9	GS-10	GS-11	GS-12	GS-13	GS-14	GS-15	GS-16	GS-17	GS-18	PL ^d
NEW SYSTEM	LEVEL I ASSISTANT PROFESSIONAL MEMBER														
NEW PAY RANGE, DOLLARS ^a	11,243 TO 22,277 ^b														
	LEVEL II ASSOCIATE PROFESSIONAL MEMBER					LEVEL III PROFESSIONAL MEMBER			LEVEL IV SENIOR PROFESSIONAL MEMBER			LEVEL V PROFESSIONAL EXCEPTIONAL			
	17,035 TO 28,855 ^b					24,703 TO 38,186			34,713 TO 53,081 ^c			e			

^a BASED ON OCTOBER 1979 PAY RATES.^b SUBJECT TO POSSIBLE CHANGE (SPECIAL RATES).^c SUBJECT TO STATUTORY LIMITATIONS.^d PUBLIC LAW.

TABLE 5. Career Path Identification by Classification Level as Related to Current Grade Levels.

GS GRADE LEVEL	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16-PL ^a
CLERICAL CAREER PATH ^b																
TECHNICAL CAREER PATH ^b																
ADMINISTRATIVE CAREER PATH																
PROFESSIONAL CAREER PATH																

^a PUBLIC LAW^b LEVELS TO BE DETERMINED^c RESERVED FOR MANAGERIAL POSITIONS^d RESERVED FOR MANAGERIAL/EXPERT POSITIONS

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The initial phase will convert the technical professional population to appropriate career paths. As the project demonstrates its success, each participating Center may convert technician personnel below GS-13 to their career path, with subsequent conversion of the remaining two career paths in successive time frames. The technician career path is currently scheduled for conversion in August 1981.

The four separate career paths simplify personnel categorization and are reflective of private industry classification structures.

A Level V has been added in each career path primarily to provide flexibility in adapting the project to federal government-wide application and to special situations.

Classification/Performance/ Qualification Standards

The classification levels for professionals will differentiate between broad groups of employees as follows:

Level I. Entrance and training positions.

Level II. Advanced training and specific task performance and development to full performance levels.

Level III. Journeyman performance-level positions and supervisors.

Level IV. Senior technical specialists, supervisors, and managers.

Level V. Individuals in GS-16 and higher positions not included in the Senior Executive Service.

These levels are sufficiently distinct that they can be easily understood by managers; correct placement will therefore be more certain.

The classification system will be modeled on industry and university practices and will follow an abbreviated benchmark description approach, with classifiers and supervisors assigning incumbents' duties and responsibilities within the range of a benchmark level of difficulty. (Final classification judgements will be made with the advice of classification specialists in the respective personnel organizations.) Position descriptions can to a large degree be standardized and presented in a side-by-side format that presents the position description along with a limited number of general performance expectations. These performance standards, matched to the level of difficulty, will in most cases be

supplemented by individualized documented performance goals and expectations that will serve as the combined basis for incentive pay decisions.

Basic qualifications for each level will be determined by qualifications-rating determinations keyed to existing OPM X118 qualifications standards. References in these X118 standards to the next lower "grade level" will be interpreted under the demonstration project as experience at the next lower classification level (i.e., broad pay band).

Incentive Groups

The pay system itself will feature incentive pay increases in lieu of step increases, comparability increases, within-level promotions, and most performance awards. Five incentive pay

groups will be established, and pay for these groups will be fixed as follows. Employees in the "Needs Improvement" (N) category will not receive a salary increase. Employees in each of the remaining categories (B through O) will receive correspondingly larger salary increases from available funds.

The obvious result of annual performance-related placement of employees in the proposed incentive pay groups for pay fixing purposes will be a migration of the least productive but adequate employees to the lower end of the pay band and rapid movement of high performers to the upper end of the pay band. This migration will be monitored by management and the evaluation staff to ensure that its rate is meaningful and to provide EEO data to enable measurement of EEO impact, as defined in the Uniform Guidelines.

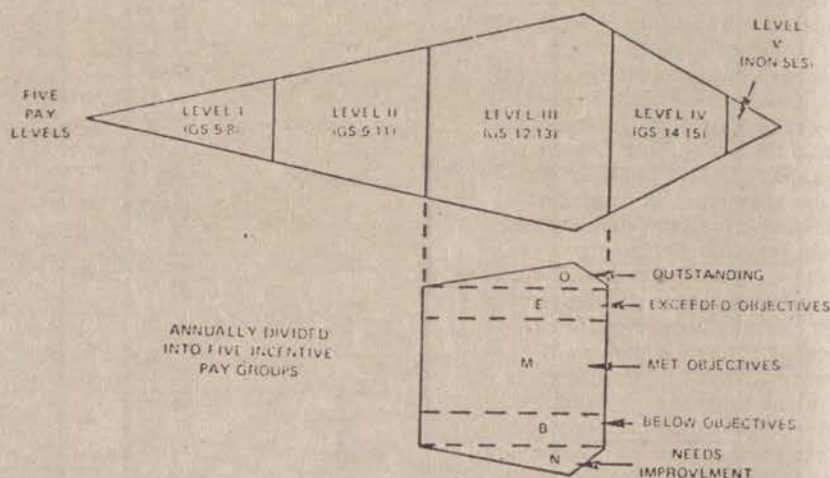


FIGURE 3. Incentive Pay Groupings Within Each Level.

Resources for incentive pay increases will include funds normally allocated for comparability increases, within-grade step increases, promotions within proposed levels and most performance awards (e.g., quality step increases and sustained superior performance awards). These resources, as increased annually, will compose the overall system control on manpower and will be adjusted to account for significant reductions or increases in manpower to

meet mission requirements. Management may need to institute some supplemental controls to ensure that the workforce does not get out of balance and there is general center equity. These controls will be sufficiently flexible to allow alteration as demonstration experience dictates. After some experience with the project, both Centers will explore the possibility of a dollar salary increase in lieu of fixed percentage increases. If the evaluation

mechanism shows that performance has increased significantly as a result of the experiment, both Centers will pursue the feasibility of allocating additional funds to reward the measured improvement in organizational effectiveness.

A bonus approach will be used to recognize high performers who are not eligible for continuing pay increases because they are at the maximum salary rate for their classification level. The project will also explore the concept of establishing incentive pay increases based on organizational performance and will identify ways in which this can be accomplished without causing a negative impact on the block of funds dedicated to individual awards.

Performance Appraisal

Development of Performance Standards. Performance standards or objectives will be developed for each individual covered by the project. These standards will specifically address the most important aspects of each employee's position, will be general enough to describe what is expected and at the same time allow for maximum internal flexibility. Both Centers will also explore industry performance standards systems for inclusion or modification to fit the standards for certain occupational groups.

Initially, to ensure that teamwork and unit performance are encouraged while project simplicity is maintained, a critical performance element of "teamwork" will be a part of every individual rating. As the demonstration project develops, a separate method of unit recognition may well be considered, depending on the availability of funds. Under this method, unit performance, when appropriate, will be a separate weighting factor in the overall ratings of employees in exceptional units.

Performance by Objectives. The performance appraisal process will be initiated by circumstantially dictated needs (rather than a statutory requirement) to determine the compensation of employees. Both employee and supervisor will be more concerned over performance standards that affect employee pay; this additional concern will cause greater and more effective communication between the two. Under the concept of Performance by Objectives that will be used, the

above broad standards will serve as a base for communication to establish mutually discussed objectives between supervisor and employee over specific expectations for the upcoming performance period. The objectives may be modified during the performance period to accomplish changes in work load planning, resource allocations, etc. Communication and written performance standards will move increasingly in the direction of Performance by Objectives. Objectives that are understood by both supervisor and employee should be measurable to the extent possible and should provide for continuing improved performance to meet these objectives. The attributes initially developed will be keyed to areas where improvement is needed. Identification of these areas will aid in identification of training requirements used in developing individual training plans.

Organizational Objectives. A modified system of Management by Objectives, coupled with individual Performance by Objectives, will be tested. Overall management objectives will be communicated by means of discussions between top Center management and intermediate managers

on performance expectations during the coming year. These overall expectations as translated for lower level implementation will be complemented by individual functional and task performance standards of a general nature. This system, as depicted in Figure 4, permits inputs from all management levels on the development of standards for individual professional performance of functions translated into specific tasks and on particular management objectives.

In an example of this system, an employee's functions, tasks, and attributes might involve serving as a project leader, gaining project acceptance and funding from the Washington-level sponsor by the use of strong technical knowledge, demonstrating organizational skills, and generating capable oral and written communications. Measurement of these established general performance expectations could then be accomplished by having the employee meet general management objectives, such as enhancing Center impact in Navy command control and communications by obtaining Center tasking for a specific high-potential project.

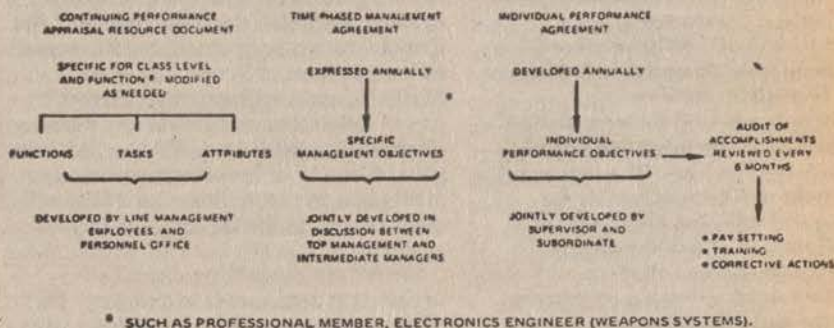


FIGURE 4. Performance by Objectives System for Performance Appraisal.

Schedule and Mechanics of Appraisals and Incentive Groupings. The performance of employees and supervisors will be reviewed every 6 months. However, appraisals will be completed and pay will be adjusted annually. An employee whose performance, as judged against performance standards, is deemed unsatisfactory will be warned, and, if

appropriate, adverse or performance based action will be taken. In Incentive Group N of employees and supervisors, performance will be judged as needing improvement (not low enough for adverse or performance based action but not high enough to fully meet objectives). Those performing in this category will receive no increase. Those

with performance judged to be below objectives in some respects, to have met objectives, to have exceeded objectives, or to be outstanding will receive consideration for incentive increases and will be placed in Groups B, M, E, and O. Placement in these groups will be recommended by individual supervisors. Involvement of higher-level management will be used to ensure a broad-based equity among employees in separate work groups.

Review Process. All performance appraisals will be reviewed by at least the next higher level of management.

A corrective system exists to deal with problems that occur when individual performance objectives are not established at the outset of the rating period. A higher level of management will then revert to the general established functions, tasks, and attributes and will review the employee's performance against these factors. Overall judgments could still be made by this higher level of review for consistency with overall management objectives. This corrective system will ensure that the neglected employee is treated equitably. Naturally, such a major oversight on the supervisor's part would be reflected in his or her performance appraisal and subsequent pay fixing and corrective actions.

The Technical Director or other appropriate level of management will be informed of all incentive pay issues, since these issues and their resolution could impact on the incentive pay of lower-level supervisors. The Personnel Department will be responsible for assisting and advising management in the performance appraisal system, evaluation techniques, dispute resolution, etc. A written performance review for each employee will be required from an appropriate level of supervision. The written review format will be as concise as possible, but sufficiently detailed to define critical job-related standards and objectives. Each performance evaluation will include supervisory comments to provide a written record of the extent to which employee performance meets, exceeds, or falls short of established standards and objectives.

Management Approach. While the performance appraisal system attempts to set specific standards communicated and understood by management, supervisor, and employee, it will still require judgments by those recommending and determining pay increases. Effective operation of this system will therefore require direct action in instances where supervisory personnel consistently exercise poor or detrimental judgments in the

performance appraisal process. These poor supervisory judgments will be reflected in supervisors' pay determinations or in removal from their supervisory functions. The furtherance of this demonstration project by complete and equitable judgments of subordinates' performance will be a performance element for each supervisor. The use of high supervisory expectations will insure that supervisors will also be accountable for their increased flexibility in managing their personnel resources. The manager will, of course, also continue to be responsible for ensuring that EEO principles are followed in all personnel decisions.

Compensation

The basis for the demonstration project pay system is the General Schedule. Pay rates for the various levels of responsibility are directly keyed to this schedule. As long as GS grades exist, necessary linkages with comparable rates will be accomplished through this means. Subsequent adjustment of GS grades to locality rates, as proposed in the current Compensation Bill, will not disturb the demonstration project relationship with the GS grades. At a time when no GS system may exist, the broad levels of the demonstration project will readily serve for comparison of Bureau of Labor Statistics' data with private enterprise pay to determine comparability. Various alternatives will be explored to maintain general equity between employees who meet objectives and their "satisfactory" counterparts in the GS and GM pay systems.

Incentive Group N, as described earlier, is a zero-increase category. This category is reserved for employees who need significant improvement in performance. While these employees are not sufficiently deficient in performance to merit immediate adverse or performance based action (placement in a lower classification level or

separation), they do not merit a pay increase. Employees in Groups O, E, M, and B will receive an increase in base pay, the amount of which will vary, depending on the incentive groups to which these employees are assigned. These employees may receive a bonus amount for membership in organizational elements that are rated Outstanding in performance, depending on the availability of award funds.

The "pay based upon performance" concept, when fully implemented, will result in a redistribution of current pay resources based upon individual and unit performance measured against predetermined standards. Properly developed individual standards and unit objectives that focus on mission requirements, individual and organizational productivity, and management goals will insure that employee rewards are tied directly to greater efficiency and improved agency operations rather than to longevity or other artificial measures of worth.

The mechanics for accomplishing the redistribution of the funds pool will be as follows. The distribution of the pool of funds will be based on individual assignment to one of five individual incentive pay groups. Performance of individual employees will be appraised in August by their immediate supervisors against the performance standards established at the beginning of the rating period; employee performance will be reevaluated halfway through the period. Table 6 defines incentive groups and shows how the "individual incentive" portion of the pool will be distributed. If unit incentives are used, the "unit incentive" portion of the funds pool will be distributed in equal shares to all but Group N employees of units identified by management as high-achieving organizations. This amount will be paid in the form of a bonus and will not become a part of employee base pay for the purpose of computing the next year's increase.

TABLE 6. Distribution of Individual Incentive Funds.

Incentive group	Performance	Pay adjustment rate
O	Outstanding-- far exceeded standards for acceptable performance	> E
E	Exceeded objectives--exceeded standards for acceptable performance, but not sufficiently to warrant assignment to incentive Group O	> M
M	Met objectives--fully met standards for acceptable performance	> B

TABLE 6. Distribution of Individual Incentive Funds.—Continued

Incentive group	Performance	Pay adjustment rate
B	Below objectives--did not fully meet standards for acceptable performance	> N
N	Needs improvement--needs significant improvement for work to meet established standards	= ZERO

a. Pay funds will be generated from:

- Increases to the General Schedule pay scale, which serves as anchor to the Project pay system.
- Funds formerly used for within-grade increases
 - quality step increases
 - sustained superior performance awards
 - within-level promotions
- Any funds which may accrue from N and B ratings

Employees whose performance ratings place them in Incentive Group N or B will receive no or limited pay increase and as a result will "migrate" downward. If incentive pay placement continues in Group N or B, employees who reach the bottom of the overlapping scale (they remain identified in the higher classification level as long as they are covered in that range) will cross the line into the next lower classification level without specific adverse or performance based action. This migration is necessary for an employee whose performance over a period of time has been deficient enough to merit the employee's placement in lower level duties/responsibilities where new opportunities for acceptable performance exist. Clearly the employee who has experienced several performance evaluations and who, in each case, has been given a year to demonstrate improvement has been provided equal or better "due process" than the obviously unsatisfactory employee who is accorded immediate adverse or performance-based action procedures and downgraded or removed after the required 30-day notice period. Further, it should be noted that in these instances the employee's pay will remain constant. The downward migration results from the need to comply with statutory pay levels. Adverse or performance-based action procedures will cover demotion between levels or removal where performance is clearly so unsatisfactory as to preclude even placement in incentive Group N.

Pay and Grade Retention. Generally, the CSRA provisions of pay and grade retention are inconsistent with the performance linked pay provisions of this Project. It is noted that provisions to save grades seem to be specifically designed for GS classification and reduction in force system problems and

inflexibilities. Consequently pay and grade retention, as they exist under the General Schedule, are neither desired nor required. Waiver of these provisions is requested, although the principle of a reasonable adjustment period of saved pay for employees reduced in Level during a reduction in force will be retained. Additionally, the use of a pay retention system for certain actions such as (but not limited to) Upward Mobility and application of new classification standards will be considered.

Promotions. Promotions from one classification level to the next will follow basic federal merit promotion practices either competitively or, where appropriate, as exceptions to merit promotion. At the time of promotion the promoted employee will be granted an increase of no less than 10% of basic compensation. This minimum increase is subject to review and change if equity with GS system counterparts is not attained. (Basic compensation is defined as the original base pay plus any continuing salary increase.) The only immediate constraints to this promotion policy will occur with promotions from Level IV to Level V; in such a case, the incumbent's current salary would be close enough to any statutory limit imposed on federal salaries to preclude awarding a full 10% increase.

Minimum time-in-level (TIL) requirements will be as follows:

Level I—12 months for eligibility to Level II:

Level II—12 months for eligibility to Level III:

Level III—12 months for eligibility to Level IV:

Level IV—Eligibility for Level V determined at agency level:

Level V—Not established.

As is presently the case, each Center, depending on local determinations, can

establish appropriate TIL guidelines that may exceed the above minimum TIL. Any exceptions to this minimum TIL will require competitive selection from an OPM or other authorized certificate-of-eligibles at a GS grade equating to the next higher demonstration project pay level.

Entry Into and Exit From the Project

Entry into the project will be accomplished through a "full employee protection" approach that ensures each employee an initial place in the demonstration without loss of pay. An automatic conversion from current GS grade and step into the new level at least at the same pay will be accomplished.

Mechanisms will be explored that will protect an employee's entitlement to a higher rate than the limit on GS salaries at the time of entry; that is, employees currently at the statutory pay ceiling will receive salary adjustments at the point Congressional approval is given to revise the ceilings upward.

Automatic Conversion. Reasons for accomplishing this automatic conversion are the time constraints of the necessary start-up time and the need for extensive training of supervisors and managers in the pay for performance concept. Employees will enter the system at the same dollar salary they hold in the GS system at the time of entrance. This automatic entrance will result in employee placement without loss in pay in the demonstration pay level comparable to the GS rate. Satisfactorily performing employees will automatically hold an initial rating placing them in Incentive Group M from entrance until October 1980. At the October 1980 rating, satisfactorily performing employees will remain in Incentive Group M and receive a basic incentive increase. Higher performing employees will be recognized based upon current criteria for granting quality salary increases, sustained superior performance awards, within level promotions, and possible adjustments of within grade increases.

At that time no employee will be placed in Incentive Group E, B, or N. By August 1980 performance standards for each employee are scheduled for completion; each employee will be advised and consulted on these standards for the next performance period (August 1, 1980 through August 1, 1981). The first full demonstration project adjustments will occur on October 1, 1981, with placement in appropriate incentive groups based on

standards implemented on August 1, 1980 and performance during the period August 1, 1980 to August 1, 1981. The period from August 1, to October 1, each year will permit time for supervisory review or ratings. Establishment of specific rates will be effective annually at the beginning of the first pay period on or after October 1.

New Hires. Newly hired personnel entering the demonstration project will be employed at a level consistent with duties and responsibilities of the position and individual basic qualifications for the level, as determined by rating keyed to existing X118 qualifications standards. Each Center will determine in-hire pay rates within the classification level as related to market conditions reflected in Bureau of Labor Statistics' data or other measures. Salaries of individual candidates will be based on academic qualifications, experience, and educational substitutions.

Candidates with similar qualifications as determined above will be paid equivalent starting salaries within each classification level.

Special Pay Rates. Special rate ranges will be translated from their GS base and used where such translated rates are advantageous and provide greater flexibility in the top rates of the level. Because of the *performance-related* pay practices of the demonstration project, special rate ranges will not be used to provide automatic increases for all employees within special rate range occupations.

The representative rate definition used in the General Schedule will be replaced by a "base grade" principle. The "base grade" is the GS grade most comparable to the employee's current demonstration project level and salary as determined by the most recent project event (i.e., project entrance, incentive pay determination, promotion, or demotion). In instances where the current salary is in the area between two overlapping GS grades within the same level, the base grade is either (1) the higher of the two overlapping GS grades if the current salary meets or exceeds Step 4 of the higher GS grade, or (2) the lower of the overlapping grades if the current salary is less than Step 4 of the higher GS grade.

Employees competing for positions at other activities may request a statement of comparison between demonstration project levels and corresponding GS grades to attach to their applications. Eligibility for outside positions will be determined by the outside activity based on information in the employee's application as is currently true in the GS system.

Should the Project terminate prior to the October 1, 1981 pay adjustment, employees will be exited: (1) at the GS grade from which they entered if they have not been promoted to a higher level under the Demonstration Project; or (2) at the GS level equivalent to the Demonstration Project Level (as described below) if they have been promoted under the Project. Thereafter, exit from the project, if necessary, will be a simple, straight-forward pay protection procedure using the "base grade principle." The employees exit at the dollar amount of salary currently received matched to the appropriate grade and step in the General Schedule. This placement will constitute the basis from which the exiting employee competes in a RIF action or is transferred, reassigned, or terminated. Upon exit from the system, NWC and NOSC billets and grades will be adjusted in an equitable fashion to those of other Navy laboratories.

Where the above salary fixing would result in placement in normally unused even grades (GS-6, -8, or -10), placement will be at an appropriate two-grade-interval grade according to the above "base grade" rules.

Prior to exit of employees from the demonstration project, each employee will be converted back to the appropriate GS grade, using the base grade principle. An information sheet describing the demonstration project and the conversion procedure will accompany the Official Personnel Folder (OPF) to the new employing office as a permanent record in the OPF. This same documentation exit procedure will be used for exiting employees in any necessary instance.

Reduction in Force

Major modifications are proposed, including limiting competitive areas to career fields (Technical Professional, Administrative, Technical, and Clerical) and ranking personnel within each competitive level primarily on the basis of incentive pay groupings and secondarily on the basis of the normal elements of tenure, veteran's preference, and service computation date. These modifications will substantially increase the probability of retaining the highest-performing individuals in their positions and will also increase the probability of displacement of the lowest-performing individuals. For better understanding, a diagram of this system is provided in Figure 5.

The following specific characteristics will apply to the RIF process, as it is proposed for this demonstration project.

A competitive level will include all positions of the same career field (e.g.,

technical professional), the same difficulty level (e.g., Level III), having substantially the same duties and qualifications requirements (e.g., Electronics Engineer (Computer Hardware Design)).

Competitive areas will be limited to career fields only. Technical professionals will compete only with other technical professionals for retention. This added special feature will limit the disruption that results when, for instance, engineers are offered clerical, messenger, or laborer positions. This will also permit managers to reduce the technical professional work force without affecting employees in the administrative, clerical, wage grade, or technical careers paths when there is a requirement to reduce only the technical professional work force.

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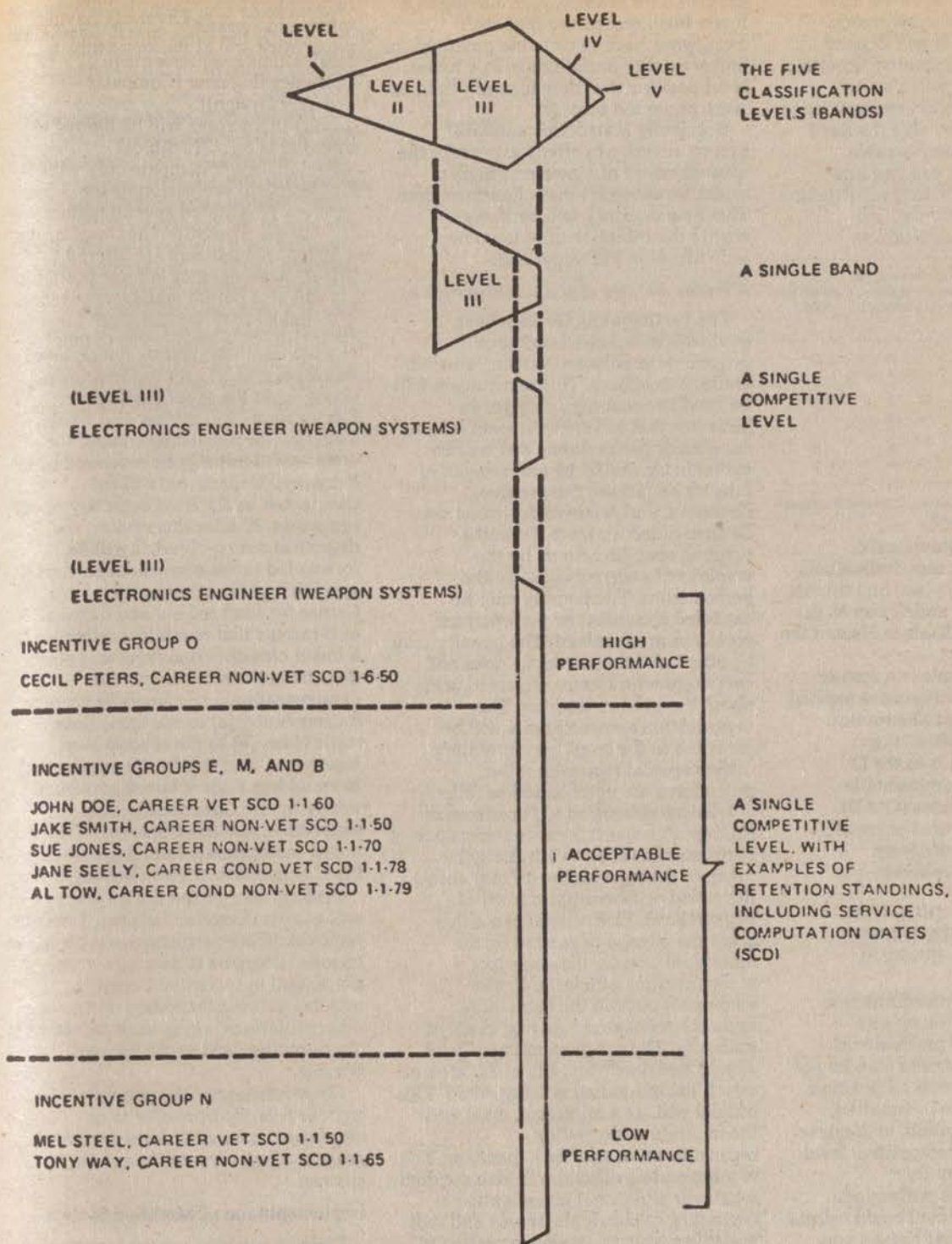


FIGURE 5. Categorization of Professionals for the Proposed RIF Process.

Retention will still be based upon career status, veteran's preference, length of service, but it will depend primarily on the pay incentive grouping. Veteran's preference will also be modified to give retention recognition to 30% or greater compensable disabled veterans (called 30-compensable veterans), as recently enacted into legislation. A competitive level structure from highest to lowest retention standing would look as follows.

Incentive pay group	Career (I) or career conditional (II)	Veteran (A) or non- veteran (B)	30- compensable (D)
O.....	I	A	D
O.....	I	A	
O.....	I	B	
O.....	II	A	D
O.....	II	A	
O.....	II	B	
[EMB].....	I	A	D
[EMB].....	I	A	

NOTE.—Sequence repeats for Group, E, M, and B competitive level structure; then for Group N.

The incentive pay group is the primary displacement tool. Individuals in Group O always displace individuals in Group E, M, and B, and Group N. E, M, and B performers displace Ns and the lowest Ns are released.

The following example is a further illustration of how RIF rules are applied. A Level III professional Electronics Engineer (specialty) within this competitive level who is in the O grouping and is a 30-compensable veteran with career status (OIAD) would displace by inverse order of competitive level standing any:

1. OIAD with a lesser service computation date.
2. OIA, OIB, OIAD, OIIA, OIIB.
3. [EMB]IAD, [EMB]IA, [EMB]IB, [EMB]IIAD, [EMB]IIA, [EMB]IIB.
4. NIAD, etc. . .

Under normal RIF procedures this same individual could bump any individual in the same professional career field with a retention standing of OIA or lower who occupies a position for which the employee is qualified.

If this employee is unable to displace someone in the same competitive level or bump someone in another competitive level in the professional career field, this individual could retreat to a Level II position that he/she was promoted from or through if this position is occupied by an individual within the same retention subgrouping (OIAD) who has a lesser service computation date.

For retreat purposes (competition for a position from or through which the employee was promoted) N-rated employees may compete for lower level positions occupied by those with E, M, B or N ratings. This special retreat

provision for N employees moving to a lower level recognizes that such employees have reasonable potential for higher quality performance in a lower level position that they formerly held or were promoted through.

Succinctly stated, the usual RIF system remains in effect, except for the establishment of a new and higher retention category: that of performance. This new category will be likely to ensure the retention of outstanding individuals in RIF situations.

Adverse Actions and Reconsiderations

The participating Centers have available a "suspend sentence" procedure to enhance existing adverse action procedures. This mechanism will be used to encourage changes in behavior that adversely impact on job conduct or performance and will be useful in alcohol/drug and conflict of interest situations. Suspension, demotion, and removal decisions may be suspended for up to 6 months pending specific actions by the employee to correct conduct and performance. The penalty may be canceled if conduct or performance problems are resolved. The penalty may be effected if the employee does not cooperate with Center efforts to bring about the needed changes. The organization's expectations will be provided to the employee in writing.

Two special reconsideration procedures are established as follows:

1. *Reconsideration of Performance Ratings.* A request for reconsideration of performance rating will initially be taken to the next higher official above the rating reviewer (third level of supervision). This official can either grant the change requested by the individual or refer the issue to a recommending official (a Center employee) outside the immediate organizational structure and chain of authority. The recommending official should be knowledgeable in the area on which the individual is being rated. This official will, as a minimum, meet with the individual requesting reconsideration and the supervisor. The recommending official will also conduct whatever additional investigation is necessary to clarify the issues and will assist in making a recommendation to the third-level official. A member of the personnel staff will assist the recommending official in this inquiry. The third-level official, after receipt of the recommendation from the reviewing official, will issue a final decision. Both the recommendation and the decision will be given to the Technical Director or the Commander, as appropriate, for review of the action. The intent of the

reconsideration process is to make it as informal as possible with a minimum of paperwork and at the same time to make it equitable to the affected employee.

2. *Reconsideration of Classification, RIF, N or B Ratings Resulting in Migration, and Other Project-Related Dissatisfactions.* Classification reconsideration requests will be directed to the supervisor of the classifier for a first-level review. If the disputed classification is not resolved at this level, it will be forwarded to the Center's principal classifier for a second-level review. Classification reconsideration requests not resolved at this level will be sent to the principal classifier at the other participating Center for a final review and decision. Requests for reconsideration of RIF actions will initially be reviewed by the Personnel Department official designated as the final authority on RIF processes. If, after this review, the dispute is not resolved, it will be forwarded to the equivalent personnel specialist at the other participating Center for final review and decision. N or B ratings that result in a migration to a lower classification level and other dissatisfactions related to the demonstration project will be presented for resolution (a) to the immediate supervisor, (b) to the second-level supervisor, and finally, if necessary (c) to an ad hoc review board appointed jointly by the Commander, the supervisor, and the employee. This board recommends final disposition to the Commander, whose decision is final.

Performance-based action procedures will govern demotion between levels or removal where performance is clearly so unsatisfactory as to preclude even placement in Incentive Group N; adverse action procedures will govern other situations where such procedures are normally used in the Federal Service.

No provisions of this project waive a right or remedy available to an employee under EEO laws or rights to present allegations to the special counsel.

Implementation of Modified System

Figure 6 summarizes implementation actions, which include pilot study activities and dry run simulation exercises to develop and test the various implementation actions. These actions include training, system entrance, development of classification and performance standards and individual descriptions, individual performance ratings, group ranking, pay adjustments, and administrative evaluation.

Using the pilot study and dry run results, the training and orientation phase will focus initially on supervisory and staff personnel and subsequently on employee participants. Training and orientation will include system description and functions, implementation plans, individual and group roles, interaction with existing and planned reform legislation systems, and special skills training as needed.

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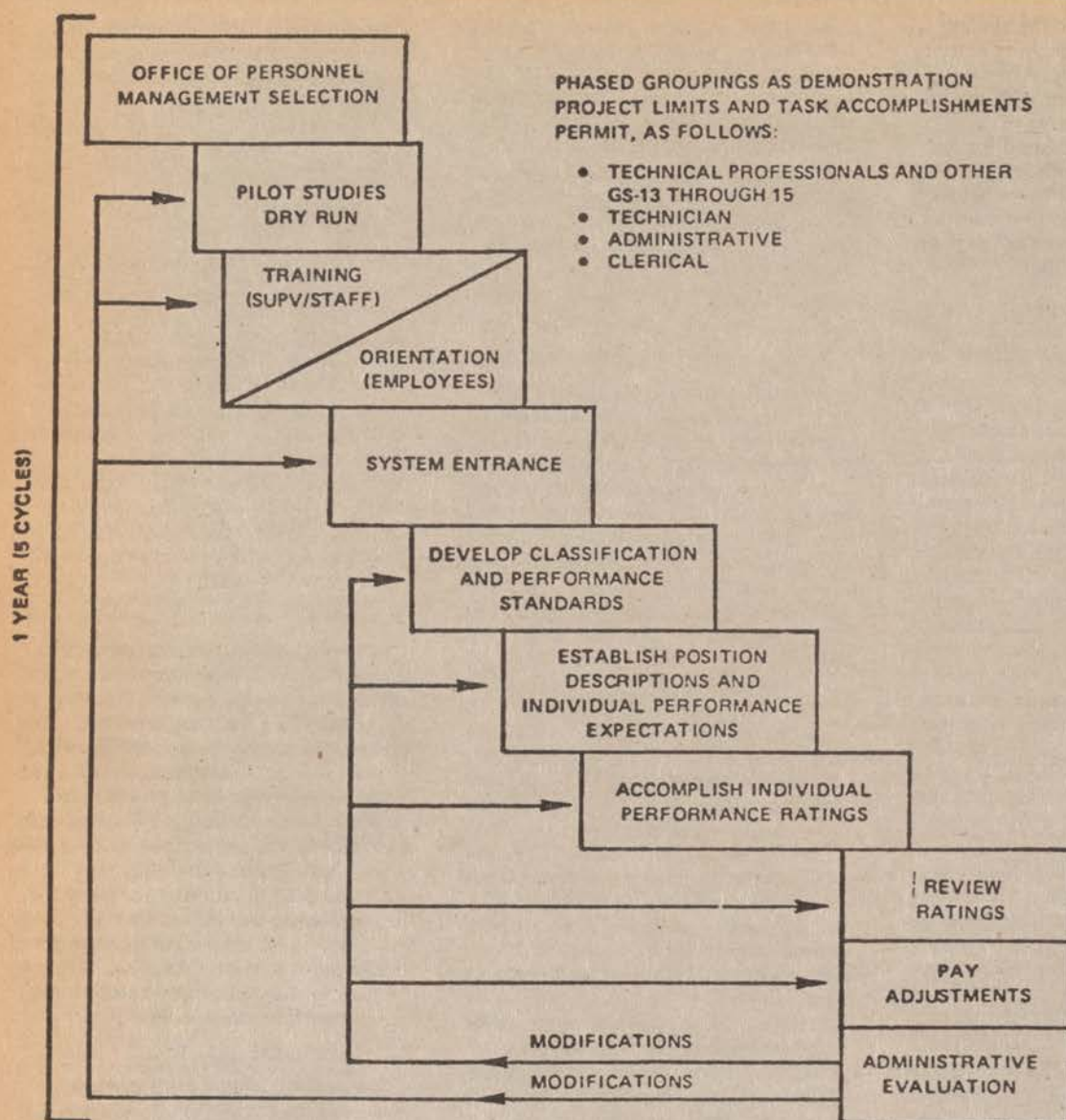


FIGURE 6. Implementation Actions.

Initially, entrance into the system will be a mechanical pay matching activity as spelled out previously. After a successful demonstration with the initial increment, other categories of employees will be considered for entry into the project in the following order: Technical and Administrative below GS-13, and Clerical. The first additions to the initial increment are not expected to occur before August 1981.

Implementation for each group will be simultaneous for supervisory and nonsupervisory employees. Figure 7 summarizes the initial implementation steps and expected milestones for the first implementation increment.

The Centers will develop a method of appropriately compensating employees during the "transition period" (between entry into the project and October 1, 1981).

process. Intensive training will be provided in this area.

Line Supervisors

Since the essence of the project is a "management-centered personnel administration process" with "increased personnel management authority (for) the line supervisor," it will be of critical importance to provide the necessary knowledges and skills to managers and line supervisors. The training for line managers will include detailed information on the policies and procedures of the new system. Also included in the training will be skills training in performance appraisal, objective-setting, and discussion of objectives with employees. As a minimum, a 16-hour class in Personnel Resource Management that includes both the procedural aspects and the skills training will be necessary for all supervisors involved.

Employees

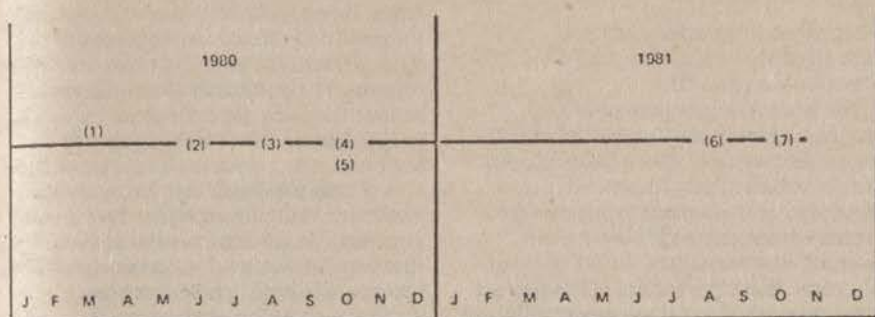
Not only will the nonsupervisory employees need to be informed and oriented to the new system, but they will also need skills training in order for the system to succeed. Few employees spend much time on personal objective-setting when there is no pressure or incentive to do so; employees therefore may lack the necessary objective-setting skills. Consequently training in objective-setting will be necessary for the employees as well as for the supervisors. At least eight to 12 hours of training that will combine orientation to the new system and training in objective-setting are proposed.

Administrative Staff

The administrative staff (generally personnel specialists) will play a key role in assisting, training, and coaching managers and employees in implementing the new system. This staff will also need experience in preparing standards and applying them. As a minimum, a 24-hour workshop is foreseen as necessary to provide the required knowledges and skills to this group.

Demonstration Project Evaluation Plan

A comprehensive and methodologically rigorous evaluation plan for the proposed demonstration



- (1) INITIATE DEVELOPMENT OF PERFORMANCE AND CLASSIFICATION STANDARDS
- (2) ENTER PROJECT
- (3) COMMUNICATE STANDARDS
- (4) GRANT INTERIM INCENTIVE INCREASES
- (5) MAKE TRIAL APPLICATION OF PERFORMANCE APPRAISAL SYSTEM AND INCENTIVE PAY
- (6) COMPLETE ALL RATINGS
- (7) MAKE INCENTIVE PAY ADJUSTMENTS FOR ALL FIVE INCENTIVE GROUPS

FIGURE 7. Schedule for Initial Implementation Steps.

Training

The key to the success or failure of the demonstration project will be the training provided for all involved. This training will not only provide the necessary knowledges and skills to carry out the proposed changes, but will also lead to commitment to the program on the part of all participants.

Training at the beginning of implementation and throughout the 5-year demonstration will involve three segments of the organization:

1. Supervisors of demonstration employees
2. Demonstration employees
3. Administrative staff responsible for assisting managers in effecting the changeover and operation of the new system (generally personnel professionals)

The elements to be covered in the orientation portion of this training will include the following:

1. A description of the system
2. How persons are entered into the system
3. Pay adjustment process
4. Familiarization with the new position descriptions and performance objectives
5. The individual performance rating process
6. The reconsideration process
7. The demonstration project administrative and formal evaluation process
8. How to exit the demonstration project and return to the present system, if necessary
9. Instruction and practice in the objective-setting skills that will be used in the Performance by Objectives

project is necessary if the objective of assessing the merits of generalization of the results throughout the Federal Government is to be met. Essential elements of this plan are set forth below in as much detail as is possible at this early stage.

Evaluation Effort Phases

Because this experiment will include major modifications in core federal personnel practices, an evaluation effort that is inclusive must occur. An overview of that effort is provided below.

Formative Phase

This is the evaluation effort that is intended to aid in structuring the experiment. During this phase the following efforts will be undertaken:

1. Identification and description of the experimental and control groups that are to be the subjects of the demonstration project.

2. Establishment of a set of pre-project data and criteria that will provide the baseline for the experiment (these will include goal-oriented data and criteria, goal-free data, and selected environmental factors).

Experimental Phase

Once the experiment is under way, performance monitoring evaluation efforts will be conducted. Data will be continuously collected on a wide range of measures, and periodic reports will be issued, indicating the extent of experimental treatments and effects. Measures of inputs, processes, and outputs will be recorded. Instruments will be periodically administered to collect reactive data from individuals within the experimental and control groups and from external actors such as the sponsors of the Centers' work and the users of their outputs. Interim reports on the evaluation effort will be issued to Office of Personnel Management, Director of Navy Laboratories, Assistant Deputy Chief of Naval Operations (OP-14), and management of each participating laboratory.

Summative Phase

Upon conclusion of the experimental period, an assessment of the impacts of the experiment will be undertaken. Every effort will be made to establish cause-and-effect relationships. Pre- and post-data for the experimental and control groups will be studied in light of changes in the external environment, which will have been monitored during this time frame. The degree to which the experiment has proved effective and efficient in meeting the stated goals and

objectives will be assessed. In addition, every effort will be made to gauge the goal-free effects of the experiment. Anticipated and *unanticipated* effects (positive and negative) will be examined in this post-project phase. Separate final project reports will be issued by the internal and external evaluation teams.

Evaluation Philosophy

Management scientists have provided a generic formula. They hold that:

P is a function of $U + C$

where P equals performance, U uncontrollable variables, and C controllable variables.

The underlying argument of the proposed demonstration model is that the performance of Navy Laboratories can be substantially improved if core personnel management processes can become more controllable by goal-oriented line managers. In the present situation, these personnel management processes are viewed as uncontrollable or constraints.

Behavioral scientists offer a slightly different formula. They argue that by manipulating independent variables (supervisory practices), one initially affects "intervening" variables (employee satisfaction, organizational climate and organizational health), and then over a longer time frame, "end result" variables (productivity, goal accomplishment, effectiveness).

Independent → Dependent (Intervening) → Dependent (End Results)

Both of the above formulas are pertinent to the methodology to be chosen for this experiment. Together they suggest the need for an inclusive data collection effort that encompasses controllable and uncontrollable variables, short-run measures of a "reactive" type, and longer-run measures of the impact of the experiment on goal accomplishment of the overall organization. Multiple criteria for evaluation of the experiment are a necessity.

Evaluation Measure and Criteria Measures

Evaluation literature draws a distinction between reactive research and measures and nonreactive or "unobtrusive" research and measures. The former refer to methods of research

that involve researcher-researchee interactions in which reactions are given to questionnaires and interviews. People report their perceptions in response to questions posed to them. For example, they might be asked their perceptions of the effectiveness of a Center or of pay equity. Certain biases are built into these measures, for example, the questions asked or not asked and the manner in which the questions are asked.

Unobtrusive measures, on the other hand, do not rely on people's reactions; they are collected from impersonal sources, such as existing records and reports. These measures are also biased in that they are dependent on previous judgments on what records should be kept and what reports should be written.

A strong argument can be made that exclusive reliance on either reactive or nonreactive measures is hazardous. For that reason, the evaluation design will incorporate both types of measures during each of the evaluation phases.

Evaluative Criteria

Evaluative criteria will be deduced from the goals and objectives stated for this experiment. As discussed earlier, multiple criteria will be developed. Some will be quantitative (cost-effectiveness), other more qualitative (perceived effectiveness, equity). Many specific criteria will be measured through use of previously validated instruments (such as organizational health inventories, the OPM's Federal Employee Attitude Survey, an organizational commitment questionnaire, and Likert's and Herzberg's job satisfaction instruments). New data collection methods may be required for some criteria.

Evaluation Design Logic

The basic assumption of the demonstration project is that the performance of Navy Laboratories can be improved substantially by implementing the proposed changes in personnel management processes. The proposed changes will place emphasis on a higher degree of involvement in and control of the personnel management processes by line managers.

The proposed demonstration project involves four major changes in existing personnel management processes: (1) a revised classification structure; (2) a revised system for determining the pay of individuals; (3) a new performance appraisal method;¹ and (4) suspended penalties for adverse actions.

¹ The revised performance appraisal method will discriminate among workers in terms of level of performance. These discriminations will be factors in the proposed RIF process.

Individually and in combination, these changes are expected to positively affect a cluster of personnel subsystem performance variables, supervisor and employee job satisfaction along a number of dimensions, performance of individuals and of organizational units, and overall laboratory performance.

Project Variables

Figure 2, which shows the conceptual evaluation schematic of the proposed major changes and goals, is repeated here for reader convenience.

The proposed major changes of the project are in the following areas:

1. Classification structure;
2. Pay system;
3. Performance appraisal system;²
4. Adverse actions.

Dimensions of the classification structure and the pay and performance appraisal systems will be converted to variable status and used in combination to measure variance in implementation at the level of *organizational units*.

Personnel subsystem performance variables that are expected to be positively affected by the changes include productivity of the personnel subsystem, recruitment success, turnover (under normal and RIF conditions), and line management and employee satisfaction with the personnel processes.

Supervisor and employee job satisfaction are expected to be significantly increased by the implementation of the revised personnel management technologies noted above. Overall job satisfaction, perceived pay equity, and motivation are expected to be significantly greater among supervisors and employees who perform at satisfactory or superior levels than among personnel needing performance improvement.

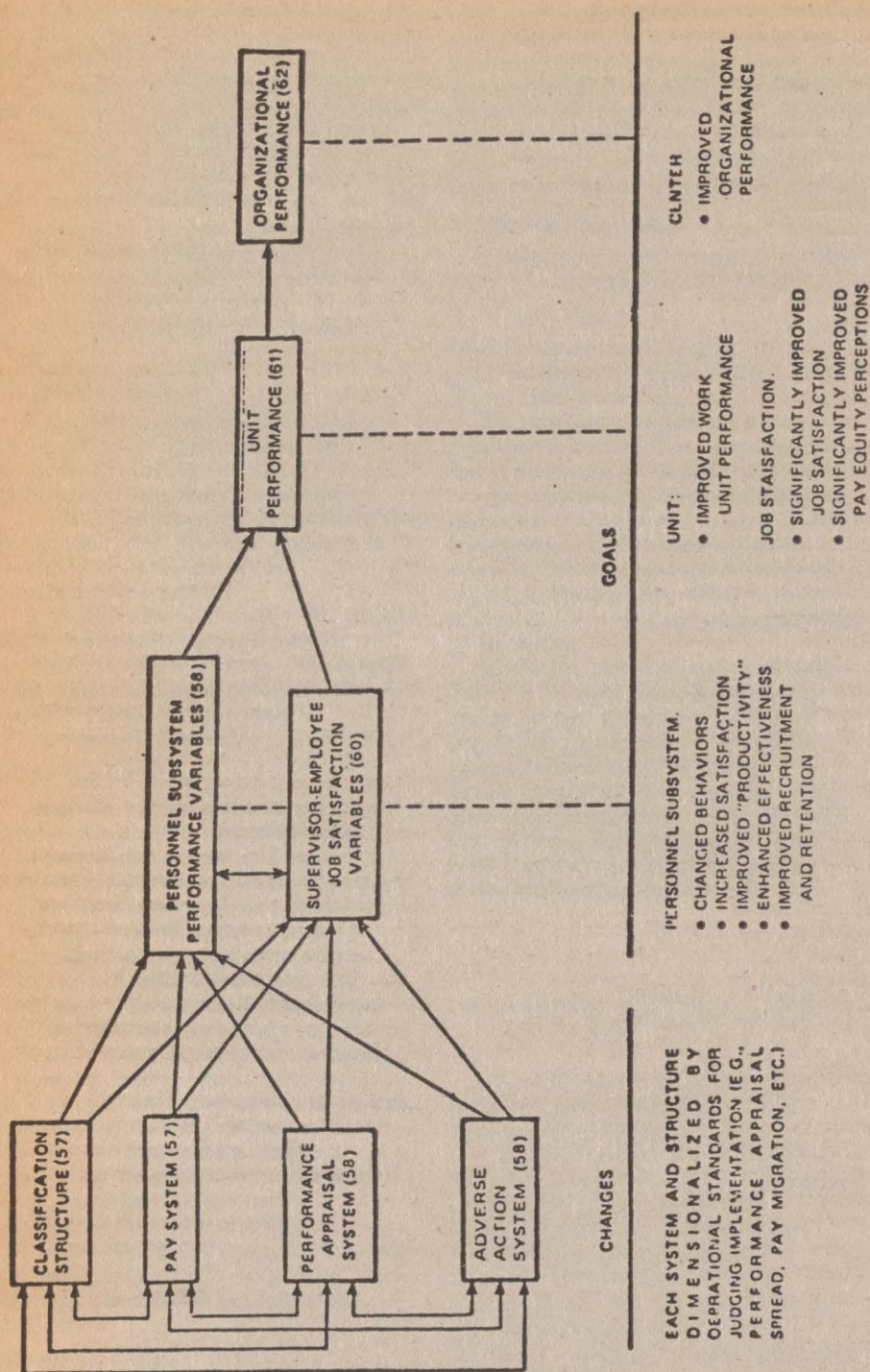


FIGURE 2. General Evaluation Schematic for Demonstration Project. The relationships between implementation of the planned changes and variables to be evaluated are shown. Numbers in parentheses refer to corresponding pages in this proposal for further discussion.

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It is expected that *organizational unit performance* will be dependent upon *individual performance* and will vary in relation to the extent that the proposed personnel processes are implemented by unit line managers, with *personnel subsystem performance variables* and *supervisor-employee job satisfaction* serving as important intervening variables.

It is expected that *Center performance* will vary in relation to the extent that revised *personnel management technologies* are implemented in the organization with *personnel subsystem performance*, *supervisor-employee job satisfaction*, and *individual and organizational unit performance* functioning as important intervening variables.

Implementation Measures

The measures of implementation will be congruent with the methods and procedures developed to guide decisions on such major changes as classification, pay allocation, and performance appraisal (e.g., the algorithm that will be constructed for pay setting so that administrators will be able to monitor and control the allocation of pay).

Fundamentally, the extent of implementation of a change in a personnel process will be measured by the degree to which each of its major dimensions is actually achieved. The dimension is in effect a goal. For example, the performance appraisal system is intended to increase the extent to which supervisors discriminate between levels of performance. Thus, for this dimension, implementation will be measured statistically by the extent to which supervisors produce an equitable "evaluation spread." Similarly, when performance appraisal is linked to pay setting, it should produce direct and visible relationships between pay and performance. High performers should migrate upward and low performers downward on the pay scale.

The implementation measures will have either face or content validity. Two levels of such measures will be used: (1) records of behaviors required by the change in question, and (2) measures of consequences, such as pay migration, that should flow automatically from the change. The measurement of implementation of the proposed changes and the achievement of project goals (dimension) are discussed below.

Implementation of Classification Structure. The key question in this evaluation is whether or not line supervisors have allocated their personnel to levels in the revised classification structure according to the standards established by the

implementation project staff. The method of determining the answer to this question will be to conduct a validation check and use a ratio of correct to incorrect allocations.

Implementation of Pay System. The question to be examined in this case is whether pay increases vary in accordance with performance appraisals. The hypothesis is that implementation of the changed personnel technologies will result in a higher increase in pay for high performers and lower or no increase in lower performers.

Implementation of Performance Appraisal System. The questions of concern for evaluation of the performance appraisal system are (1) did the supervisors develop tasks and attribute performance standards that meet project criteria; (2) did the supervisors develop objectives with subordinates that meet project criteria; (3) did the supervisors evaluate performance according to these objectives; (4) what is the statistical "performance spread" produced by the performance appraisals; and (5) do employees feel that the performance objectives and ratings are equitable?

Data required to these questions will be collected for each performance appraisal cycle by reviewing centrally maintained records (copies of performance objectives and performance appraisal reports) and by querying individual supervisors and subordinates.

In the event that a RIF occurs in either Center during the experimental period, data will be acquired to allow a comparison of the effects of the proposed and present RIF processes. The relative proportion of workers in each performance category that would be bumped from their positions under each process will be determined.

Implementation of a Revised Adverse Action System. The question to be answered in evaluation of the adverse actions structure is whether or not the planned, changed methods for handling adverse actions (e.g., suspended penalties) are in fact being employed; if they are being employed, what is the relative degree of success and satisfaction?

Personnel Subsystem Performance. The planned changes in personnel management technologies will increase line management's role in personnel processes. It is expected that these changes will also result in a basic shift in personnel department activities away from "policing" functions and toward "support" functions. This shift is not expected to result in less need for staff in the Personnel Department (it is more likely that an increased need will occur

in the short run) but it is expected to result in changes in how time is allocated among functional activities (labor distribution) and in productivity and efficiency of effort.

Baseline data will be collected and periodic measurement will be done over the life of the experiment on *specific variables* of concern. These are as follows:

1. The productivity/efficiency of the Personnel Departments.
2. Line management and employee satisfaction with performance of the personnel subsystem.
3. Recruitment effectiveness and cost.
4. Turnover by performance category under normal and RIF conditions.

Measurement of productivity and efficiency for personnel functions will be accomplished by using the productivity measurement approach developed by OPM. This sampling-based approach to work measurement will be employed in the experimental laboratories before the experiment is begun, during the experiment, and after it is completed. Data acquired from this methodology will be combined with output and budgetary data that will be acquired from existing data sources.

Briefly, the OPM methodology employs detailed categories for the following personnel functions: staffing, position classification, employee and labor relations, employee development, and general administration and other. A distinction is made between direct and indirect labor, and data are gathered by random sampling. The methodology produces a labor distribution by personnel function. This distribution by function can be related to personnel function cost data and personnel output data.

It is planned that sampling will be conducted throughout the 5-year term of the project. Training of supervisors and baseline data collection was initiated in September 1979.

Specific measures derivable from the above methodology will include the following:

1. Cost/functional output (e.g., positions allocated).
2. Percent of time distribution by function.
3. Functional activity/cost.
4. Correlation of productivity and unit cost measure with perceived effectiveness.

Perceived personnel subsystem effectiveness will be measured using data from the OPM Attitude Survey, which is discussed below.

An additional goal of the personnel subsystem is to increase the effectiveness of *recruiting*. Both effectiveness and cost are expected to

be affected by the experiment. The enhanced flexibility in setting starting salaries and in classification should permit more timely offers and higher starting salaries for qualified candidates. The impact of the proposed changes upon recruiting will be measured by comparing results at the control and experimental Centers.

The following data will be required from experimental and control Centers:

1. Recruitment interviews, offers, and acceptance by year.
2. Post hiring evaluations by year (experimental Centers only).
3. Recruiter's evaluation of quality (experimental Centers only).
4. Reasons for declination (experimental Centers only).

Other goals within the personnel subsystem are related to *employee turnover*. The planned changes intended to reward performance are hypothesized to aid in the retention of high performers and stimulate turnover by lower performers. Turnover data will be acquired by performance category, grade level, occupational category, etc.

Job Satisfaction and Commitment. It is expected that the proposed changes in classification, pay, performance appraisal, and appeals, in conjunction with associated changes in personnel subsystem performance variables, will result in improved supervisor and employee satisfaction and attitudes as measured along several dimensions.

The OPM Federal Employee Attitude Survey (the "A" Survey) will be administered in both the experimental and the control laboratories before, during, and after the experiment. OPM is planning a factor analysis and Alpha score analysis of its survey data to dimensionalize the instrument. A preliminary analysis of this instrument shows that data on the following dimensions may be obtained.

1. Satisfaction with performance appraisal methods.
2. Perceived quality of organizational climate.
3. Perceived pay equity.
4. Motivation.
5. Authority relationships.
6. Supervisory effectiveness.
7. Personal satisfaction.
8. Perceived organizational performance.

9. Personnel procedures and policies.

A sampling design for administering this instrument was completed in August 1979. Samples will be drawn and Westinghouse Learning Corporation will be employed to administer the instrument and produce a computer tape. A computer program for analysis of the tape will be prepared at USC, where the data will be analyzed. These

analyzed data will be made available to the evaluation teams of the two Centers, and an independent interpretation of the data will be made by the external evaluation team.

Unit Performance. It is expected that unit performance will vary as a function of the extent to which the unit implements the changes involved in the experiment. One reason for expecting higher unit performance is that individual work effort and performance will increase in response to pay and classification incentives. This performance hypothesis will be tested in the context of models that explicitly recognize the two-way causation between merit pay and level of performance. Other reasons for expecting higher unit performance are (1) attrition will increase among low performing workers, (2) greater flexibility in the recruitment process will lead to an improved quality of new hires, and (3) employee satisfaction and attitudes and organizational climate will improve, as discussed above.

Unit performance measures will be developed and administered cyclically in coordination with individual performance appraisals and pay determination staging. Unit performance measures will be generated from second-level supervisory evaluations, using instruments and procedures selected by the project staff. These measures will be independent of the rater's evaluation of the unit supervisors's performance.

Comparisons across units will be based on the extent to which unit performance improves or declines in relationship to an "idealized" performance target developed by the evaluating second-level supervisor.

Center Organizational Performance. Performance of the two participating Centers is expected to vary in relation to all other variable clusters specified in the research design. Independent evaluations of the performance of the experimental and control organizations will be obtained for purposes of longitudinal and control analyses.

A form of multi-attribute utility analysis will be employed for these evaluations. Selection, weighting, and measuring of organizational performance attributes will be accomplished by the process described below:

1. A group of evaluators competent to appraise the performance of the participating Centers will be identified and asked to serve.
2. Candidate performance attributes will be identified by the USC staff from a perusal of prior laboratory studies.

3. The candidate attributes will be reviewed with the group of evaluators and modified in accordance with these evaluators' judgments.

4. The selected performance attributes will be weighted on the basis of pooled subjective judgments, using guidelines designed to provide a subjectively established ratio scale.

5. The relative weights of the attributes will be normalized.

6. Measurement procedures for each attribute will be agreed upon by the evaluators.

7. Utility functions for each attribute will be decided upon by the evaluators.

8. Measurements will then be made; the evaluators will make these measurements where subjective judgment is required, or they will be accomplished mechanically if appropriate for particular attributes.

9. Weighted measures will then be aggregated across attributes for each Center.

10. Comparisons can then be made with possible idealized scores, both by attribute and by total.

11. Comparisons can also be made longitudinally for a given Center or between experimental and control laboratories over time.

Control. Given the evaluation design described above, cross-laboratory controls are possible for (1) employee satisfaction and attitude measures, (2) personnel office productivity and resource allocation measures and (3) organizational performance measures. Longitudinal and pre- and post-experiment measures will be employed for the other variables.

Additional Evaluation Data. In addition to the above-mentioned measures and data, there will be an ongoing monitoring of existing records and reports on the laboratories. Unobtrusive measures will be kept on such basic considerations as the profile of the science and engineering work force of the laboratories, including EEO profiles to enable measurement of EEO impact as defined in the Uniform Guidelines.

The Evaluation Teams

Formulation of the design for evaluation of the demonstration project has taken place through an interactive process between personnel responsible for implementation of the project and participants on the external and internal evaluation teams.

External evaluation team participants are members of the faculty of the School of Public Administration, University of Southern California. The faculty members include a Professor of Research Methodology, two Professors

of Public Administration with specializations in Personnel Administration, an Associate Professor with a specialty in Research and Development Administration, and two Associate Professors with degrees in Economics.

Internal teams will be employed at each of the two experimental Centers. Each team will be led by a senior Center employee with a technical background who is thoroughly familiar with the objectives of the demonstration project. Other team members will be drawn primarily from the Personnel Departments and Central Staffs on the basis of their relevant expertise.

The external evaluation team will be responsible to OPM. This team will oversee the collection of reactive data through interviews, the administration of the "A" Survey, and conduct of the work sampling of the personnel subsystems. It will also be responsible for acquisition of the data for evaluating laboratory performance. Data analysis responsibilities will include analyzing

both the reactive data mentioned above and data collected by internal team members on all of the other variables described above.

The internal teams will take the lead in collecting regularly recurring data that result from implementing the planned changes in personnel technologies. They will also collect data available from existing records and reports.

All data collected by the external and internal teams will be shared in ways that protect the privacy of individual respondents. Separate analyses will be conducted and interpretive reports will be written by the external and internal teams. Independence of the external evaluation will be assured by having that team report directly to OPM. Figure 8 diagrams the relationships of OPM and the evaluation teams.

Costs

Efforts will be made to obtain congressional funding for this demonstration project. If congressional funding is not available, the costs associated with the project will be borne by the Department of the Navy and the two participating Centers, with funding provided out of normal activity training and administrative overhead funds. Major costs will be in evaluation and in implementation, including Personnel Department costs for training and rewriting standards and costs associated with the development of the demonstration project, such as for travel, research, etc. The total cost of the project for the 5-year period is estimated to be \$2,700,000 (in fiscal year 1979 dollars). Table 7 summarizes demonstration project costs.

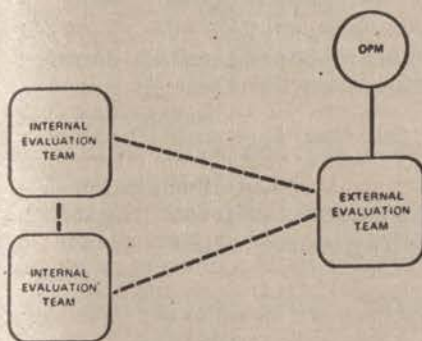


FIGURE 8. Relationships of Evaluation Teams and Office of Personnel Management.

TABLE 7. Demonstration Project Costs Summarized.

All costs based on fiscal year 1979 dollars.

Type of cost	Cost to participating organization, thousands of dollars		Total, thousands of dollars
	NOSC	NWC	
Project development ...	75	75	150
Training	300	475	775
Standards development ...	150	200	350
Evaluation			
Internal	450	625	1,075
USC	75	75	150
USC (OPM) ...	...	...	200
Total ...	1,050	1,450	2,700

Authorities Lacking and Waivers of Law and Regulation Required*Aspects of Project for Which Specific Authorities Are Lacking*

Authorities for a number of specific aspects not included in present Civil service laws and regulations are needed to implement the demonstration project. These include the following:

1. Establishment of broad classification standards for employees and of classification authority for this new system.
2. Creation of broad pay bands within classification levels.
3. Establishment of four separate career paths for federal white collar workers: professional, technician, administrative, and clerical.
4. Individual placement of demonstration project employees in incentive pay groups during a performance appraisal process based on Performance by Objectives.
5. Addition of performance as the primary determinant for retention in a RIF.
6. Provision for excluding from adverse or performance based action procedures the downward migration between classification levels resulting from failure to receive pay increases. In these cases, the actual salary of the employees will not be reduced.
7. Use of suspended penalty in certain adverse actions.
8. Establishment and implementation of cost control techniques in conformance with project pay levels.
9. Provision for establishment of a performance appraisal plan (subject to OPM approval) that follows the basic concepts of 5 U.S.C. 43, but is not necessarily identical to Chapter 43, or OPM regulations established under 5 U.S.C. 4305.
10. Provision for payment of Cost of Living Allowance to project employees in the same manner as to General Schedule employees.

Waivers of Law and Regulation Required

Provisions of Civil Service law or regulation that must be waived in order for this demonstration project not to be

prohibited are included in Table 8. No Civil Service rule will be affected by the demonstration project.

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TABLE 8. Provisions of Laws or Regulations That Require Waiving.¹

(Additional waivers may be required because of laws passed or rules and regulations established during the course of the project)

Law	Regulation
Sec. 3502. Order of retention for RIF	Sec. 300.601 through .605. Time-in-grade restrictions Sec. 351.401. Determination of retention standing Sec. 351.402(a) through (d). Competitive area. Sec. 351.403(a). Competitive level Sec. 351.404(a). Retention register Sec. 351.501. Tenure groups and subgroups, competitive service Sec. 351.502. Tenure groups and , subgroups, excepted service Sec. 351.504. Performance ratings Sec. 351.901 through .903. RIF appeals
Sec. 4303. Only insofar as it applies to the downward movement between classification levels because of failure to receive pay increases	Part 432. Only insofar as it applies to the downward movement between classification levels because of failure to receive pay increases
Sec. 5101. (1)B and (2) Classification of positions	Sec. 511.101 and .201 through .203. Classification under the general schedule
Sec. 5102. Definitions; application	Sec. 511.601 through .612. Classification appeals
Sec. 5104. Basis for grading positions	
Sec. 5105 through 5107. Related to classification	
Sec. 5108. Classification of positions at GS-16, -17, and -18	
Sec. 5112(b). Employee and agency requests for classification appeals	
Sec. 5114. Reports; positions in GS-16, -17, and -18	
Sec. 5303. Higher minimum rates for selected professions	Sec. 530.305 through .307. Administration of special salary rates
Sec. 5331 through 5336. GS pay rates and step increases	Sec. 531.201 and .202. Rates of basic pay

¹Waiver required only to the extent that the project conflicts with pertinent provisions of law or regulation.

TABLE 8. (Contd.)

Law	Regulation
Sec. 5361 through 5366. Grade and pay retention	Sec. 531.203(a) and (b).
Sec. 5371. Scientific and professional positions	Sec. 531.204. Special provisions
	Sec. 531.205. Pay conversion rules
	Sec. 531.301 through .305. Adjustment of rates payable to supervisors
	Sec. 531.401 through .413. Within-grade increases
	Sec. 531.501 through .517. Salary retention
Sec. 5401 through 5402. Merit pay (new law) (CSRA-1978)	. . .
Sec. 7512(3). Only insofar as it applies to the downward movement between classification levels because of failure to receive pay increases	Part 771. Agency grievance system
	Sec. 1201.3. Only insofar as it applies to the downward movement between classification levels because of failure to receive pay increases

Appendix A.—Generalized Description of Project Participants

Responsibilities and Capabilities of Navy Laboratories

Both NWC and NOSC are major research and development field activities of the Naval Material Command and are under the direct command of the Chief of Naval Material (CNM). The Director of Navy Laboratories serves as a focal point for the management of these and other CNM-commanded laboratories.

The laboratories were established as a result of the need perceived during World War II for permanent ordnance research and development facilities. Today's Navy laboratories maintain the capability to carry a development all the

way from initial concept formulation through advanced and engineering development to Fleet introduction and support of in-service use. This full-spectrum capability encompasses a wide variety of essential tasks, ranging from basic research to the support of specialized equipment to the creation of new technical options for the Fleet. The broad capabilities of each laboratory are focused on specific responsibilities that are delegated through assigned product areas within an assigned mission.

Although these missions encompass very different areas of expertise, all CNM laboratories have certain special characteristics in common that influence day-to-day operations as well as corporate planning. These include the

following:

1. The scope of effort encompasses the full spectrum of Navy research, development, test, and evaluations (RDT&E).

2. Civilian scientific and technical employees work in cooperation with naval personnel to meet Fleet needs.

3. Work is accomplished within rigid constraints on manpower ceilings and grade levels.

4. Funding is managed through the Navy Industrial Funding accounting system.

The laboratories also share significant areas of responsibility that directly affect the responsibilities that must be placed on managers and scientific and technical employees. These responsibilities include the following:

1. Maintain an understanding of the operational and support problems and opportunities facing the Fleet and the Fleet marine forces.

2. Keep abreast of relevant scientific and technical developments of other Navy and DOD laboratories, other service RDT&E activities, universities, and industry.

3. Conduct in-house technology base programs that are complementary to outside activities and tailored to enable the Navy to exploit in a highly discriminating, objective, efficient, and timely way the relevant work of others.

4. Seek new applications of science and technology to Navy and Marine Corps problems; advance the art of branches of science and technology that are of unique or particular importance to the Navy and the Marine Corps.

5. Develop and evaluate new weapon systems concepts to enhance the effectiveness of the Navy and the Marine Corps; prove the feasibility of critical components; build and demonstrate prototypes of such systems.

6. Act as project manager or provide technical direction during the development phase for the acquisition process of new systems, when directed.

7. Provide support, as requested, to Systems Commands and project managers during both the formative stages and the actual design, development, test, and evaluation of new advanced developments, engineering developments, and operational system developments.

8. Act as technical advisors and consultants on matters within their areas of specialty to Navy and Marine Corps Bureaus and Commands and to the operating forces.

9. Maintain and provide the technical knowledge, skills, and facilities to provide prompt, direct assistance to the Fleet, and to support, modify, and improve equipments in use by the Navy and the Marine Corps.

Naval Ocean Systems Center Brief

Mission. The mission of NOSC is to be the principal Navy RDT&E center for command control, communications, ocean surveillance, surface and air launched undersea weapon systems, and supporting technologies.

Personnel. Table A-1 shows personnel data for NOSC, including groupings of scientists and engineers by discipline and by general schedule level (grade).

TABLE A-1. NOSC Personnel Data. Extracted from NOSC Laboratory Management Brief of 30 September 1978.

ON BOARD		MILITARY	CIVILIAN	FTP	TPTI*	UNGRADED (FTP)
		278	2549	2493	56	72
SCIENTISTS AND ENGINEERS BY GRADE						
GRADED (FTP) 2421						
ADMINISTRATIVE 342*** TECHNICIANS 401 SCIENTISTS AND ENGINEERS 1319						
ELECTRONICS ENGINEER 683 PHYSICIST 240 MECHANICAL ENGINEER 93 MATHEMATICIAN 79 GENERAL ENGINEER 62 OCEANOGRAPHER 21 OPERATIONS RESEARCH ANAL 62 BIOLOGIST 15 PSYCHOLOGIST 17 CHEMIST 12 OTHER SCIENTISTS 22 OTHER ENGINEERS 13						
CIVILIAN CEILING(FTP)..... 2558 MILITARY ALLOWANCE: OFFICER 64..... ENLISTED 257						
*Temporary, part-time, intermittent (summer and cooperative education employees excluded). **On loan from the Air Force ***Clerical personnel not included						

DEGREES - ALL FTP PERSONNEL

	PhD	DVM	MS/MA	BS/BA
SCIENTISTS & ENGRS.	179	1	460	658
OTHER CIVIL SERVICE	5	61	159	
MILITARY OFFICERS	1	3**	28	28
TOTAL	185	4	549	845

BILLING CODE 6325-01-C

Funding. NOSC's funding for fiscal year 1978 was \$198.3 million, with primary support coming from the Center's major sponsors—Naval Sea Systems Command, Naval Electronic Systems Command, and Director of Navy Laboratories. RDT&E funding by type included approximately 18% for exploratory development, 17% for advanced development, and 17% for operational systems development. Another large funding category was about 17% for operations and maintenance, Navy.

Facilities. The primary facilities for NOSC are located at San Diego, Calif.; with a laboratory at Kaneohe Bay, Oahu, Hawaii; sea ranges at San Clemente Island, Calif.; and a test range at Morris Dam, Calif. Other activities are located at La Posta, Calif.; Lake Pend Oreille, Idaho; and Cape Prince of Wales, Alaska. Future building plans include an \$8.8 million ocean surveillance facility in San Diego.

Program Work. The following excerpt from the NOSC Laboratory Management Brief summarizes program work.

COMMAND CONTROL AND COMMUNICATIONS (C³)

- Tactical C³/1 Land-Based Test Site to ensure system interoperability.
- Integrated Shipboard Data Multiplex System (SDMS).
- Optical communications systems.
- Tri-service communications, navigation, and identification (CNI) system, Joint Tactical Information Distribution System (JTIDS).
- AN/USC-34 Link 11 System providing real-time communications capability for Naval Tactical Data System (NTDS).
- AN/UYQ-21 modular display suite development and evaluation.
- Advanced command and control technology development.
- VERDIN/Enhanced VERDIN, for improving submarine communications.
- Provision of a timely and reliable communication capability with the Fleet Ballistic Missile Submarine.
- System engineering to define Navy satellite requirements.
- Secure voice conferencing to ensure world-wide military command effectiveness.
- Timely and reliable minimum essential communications in electronic countermeasures (ECM) environment (low probability of interception/anti-jam — LPI/AJ) to allow successful tactical combat at sea.
- Procedures, techniques, subsystems, and control necessary to improve utilization and management of existing Navy communication assets.
- Advanced Command Control (C³) Architectural Test Bed (ACCAT) for evaluating C³ concepts and technology.
- Assessment of Navy Command and Control System (NCCS) performance supporting the Naval Electronic Systems Command, PME-108, in assembling a development plan for NCCS improvement and test and evaluation of its major components (NCCS system engineering, test, and evaluation).
- Theoretical and experimental research and development of efficient blue-green lasers for enhanced capability in unique underwater applications.

OCEAN SURVEILLANCE

- Electromagnetic/electro-optic (EM/EO) satellite sensor and information exchange systems and surface terminals.
- Multisensor correlation and multisource integration.
- Integrated Undersea Surveillance System (IUSS).
- Advanced undersea surveillance sensors and data acquisition systems such as towed arrays, deployable arrays, fixed distributed systems, and active systems.
- Development of surveillance/intelligence data handling systems.
- Ocean surveillance system analysis and evaluation.
- Test and evaluation of major surveillance systems and advanced sonar signal processing, and research on surveillance-oriented display systems.
- Applied research in transducer and array technology. Development of an array to exploit the midfrequency regime.
- Sonobuoy Thinned Random Array Program (STRAP) to provide geometrical array stability and a system for dynamically locating array element positions.
- Long-range acoustic propagation and performance predictions including acoustic and environment modeling, and acoustic signal analysis.
- Multiple acoustic array coherent real-time processing.
- Development of a Wet End Systems Test Bed to provide test and evaluation capability for candidate undersea surveillance systems.
- Assessment of vulnerability to enemy surveillance systems.

UNDERSEA WEAPON SYSTEMS

- Advanced surface ship antisubmarine warfare (ASW) fire control systems development incorporating passive target motion analysis (TMA).
- Applied research in torpedo propulsion, guidance and control, detection and classification, fire control, hydrodynamics, and hydroacoustics.
- Development of lightweight torpedoes, including MK-46 Near-Term Improvement Program (NEARTIP) (Lead Lab) and Advanced Lightweight Torpedo (ALWT) (Lead Lab).
- Adaptive Line Cancellor and Enhancer/Platform Noise Monitoring System (ALICE/PNMS).
- Undersea launch test program for cruise missiles.
- Advanced sonar systems development (SQQ-23, SQS-56, BQS-15, AN/SQQ-23A, AN/SQS-23B, AN/SQS-56)
- Submarine target model validation

MARINE SCIENCES

- Physical, chemical, and biological oceanography, meteorology, and sea floor geology.
- Underwater sound propagation, including acoustic and environmental modeling and acoustic signal analysis.
- Theoretical and experimental investigation of tropospheric, ionospheric, and magnetospheric effects on electromagnetic/electro-optic (EM/EO) propagation, including predictions of system performance.
- Geophysical studies in the Arctic Ocean and adjoining ice covered seas. The Arctic Submarine Laboratory provides technical support to Fleet under-ice operations.
- Marine biosciences and marine mammal systems for performing Navy tasks such as underwater object location and recovery (Lead Lab).
- Bionic sonar systems development.
- Marine environmental quality assessment.

OCEAN TECHNOLOGY

- Unmanned remote undersea work and search systems.
- Deep ocean materials and components.
- Advanced undersea optical and acoustic sensors.

SIMULATION

- Development of techniques for simulation, in real-time, of the acoustic properties of submarines and targets, and of the ocean environment for underwater weapon design and evaluation.

MANUFACTURING AND AUTOMATIC TESTING TECHNOLOGY

- Manufacturing technology programs in electron beam projection techniques, composite materials, microwave tubes, fiber optics, torpedo propellers, and computer aided design of integrated circuits.
- Coordination of the Navy-wide RDT&E program in testing technology (Lead Lab).

ELECTRONIC DEVICES, COMPONENTS AND SUBSYSTEMS

- Utilization of materials for electronic and EO devices to increase performance and reliability of electronic components.
- Development of EO devices for communications, surveillance, and weapon delivery.
- Application of industrial Large-Scale Integration/Very Large-Scale Integration (LSI/VLSI) and optics technology to signal and information processing.
- Application of fiber optics technology to undersea systems including unmanned vehicles.
- Characterization and evaluation of solid-state emitters and detectors for use in high performance military systems.
- Development of microwave devices for use in radar and communication systems.
- Shipboard radar performance assessment - Environmental/Weapons Effect Prediction System (E/WEPS)

NOSC uses systems analysis, simulation, and modeling as basic tools to identify problems, evaluate alternative solutions, and bring a systems approach to individual tasks. These techniques are applied to studies of total systems and warfare situations. They contribute to the formulation of new concepts to meet future Navy needs.

BILLING CODE 6325-01-C

Naval Weapons Center Brief

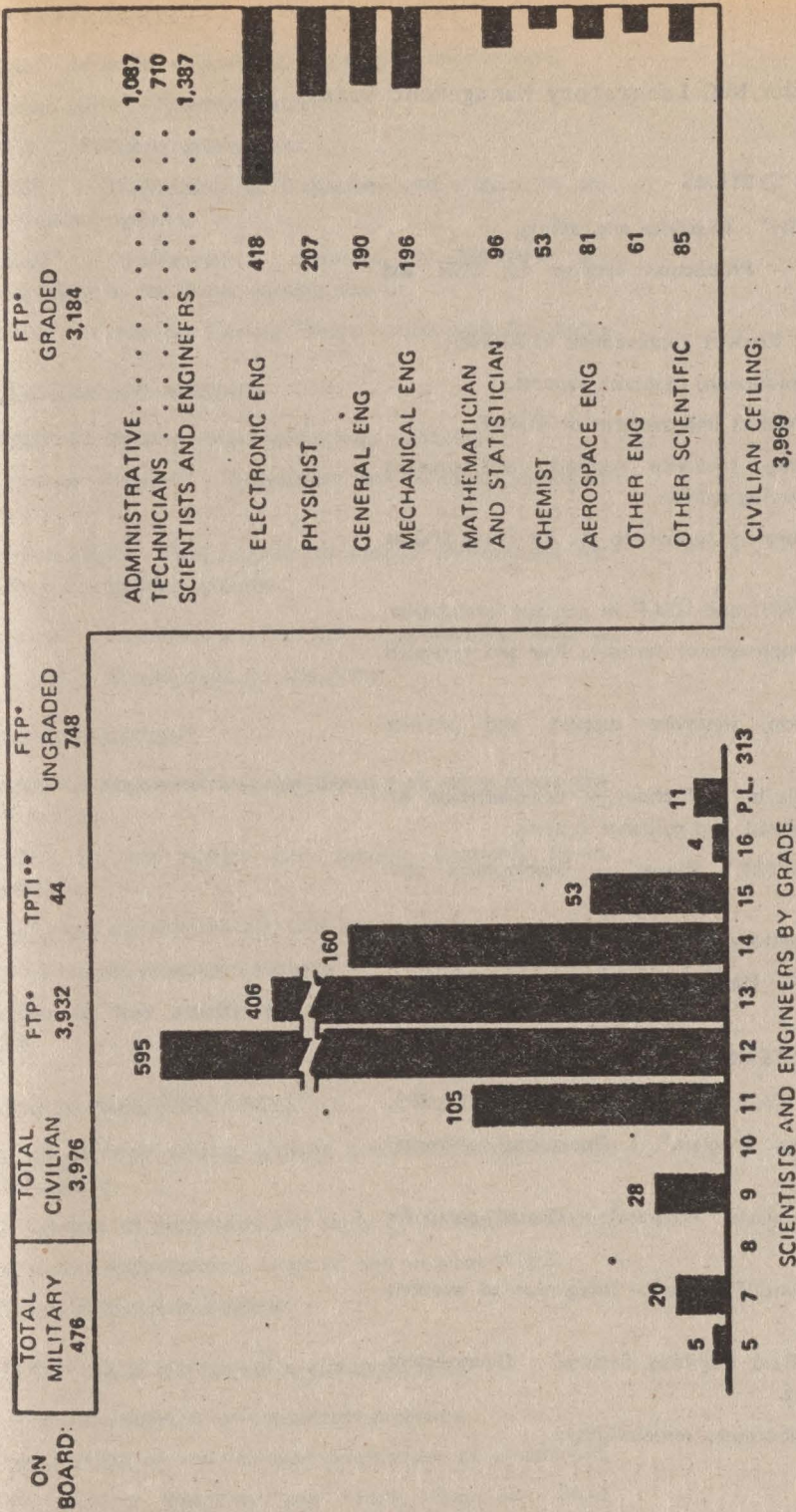
Mission. The mission of NWC is to be the principal Navy RDT&E center for air warfare systems (except antisubmarine warfare systems) and missile weapon systems, and the national range/facility for parachute test and evaluation.

Personnel. Table A-2 shows personnel data for NWC, including groupings of scientists and engineers by discipline and by general schedule level (grade).

Funding. NWC's funding for fiscal year 1978 was \$243.0 million, with the Naval Air Systems Command as the primary funding source. Other funding came from the Naval Sea Systems Command, the Chief of Naval Material, and other Navy commands. Funding by type included approximately 52% in the various R&D categories; other funding includes 14% for weapon procurement plus lesser percentages for a variety of categories.

Facilities. The major facilities of NWC are located on over a million acres of desert land in California's upper Mojave Desert. These include laboratories and shops for basic and applied R&D, a computer complex, and an array of instrumented air and surface ranges. Planned construction includes new facilities for parachute test work, a Range Operations Center Complex, and a Weapon System Support Facility.

TABLE A-2. NWC Personnel Data. Extracted from NWC Laboratory Management Brief of 30 September 1978.

CIVILIAN CEILING:
3,969MILITARY ALLOWANCE:
OFFICER 52 ENLISTED 461

*FTP - Full-time permanent

**TPTI - Temporary, part-time, intermittent (summer employees excluded)

Program Work

The following excerpt from the NWC Laboratory Management Brief summarizes program work.

AIR-LAUNCHED WEAPON SYSTEMS

- Sidewinder AIM-9D/G/H* - In-service engineering.
- Sidewinder AIM-9L* - Production support for USN and USAF.
- Sidewinder AIM-9M* - Product improvement of AIM-9L.
- Sparrow AIM-7F* - Production, in-service support.
- Sparrow AIM-7M* - Product improvement of AIM-7F.
- Phoenix - Production, in-service support, and product improvement for the fuzing system.
- AMRAAM - Navy laboratory support to the Air Force SPO at ADTC Eglin.
- AIAAM - Assist NAVAIR and USAF in concept formulation.
- Walleye* - Product improvement for data link and extended range.
- Harpoon - Production, in-service support, and product improvement.
- Supersonic Tactical Missile* - Technology demonstration of propulsion, seeker, warhead, and guidance systems.
- Rockeye,* FAE,* APAM,* Bigeye* - Development and support.
- Gator - Navy lead laboratory support to Eglin AFATL.
- Night Attack/Maverick* - Development of weapon system.

TACTICAL AIRCRAFT SYSTEMS

- Aircraft Survivability* - A-7, A-4, F-14, F-18, AV-8B, LAMPS.
- A-7E Weapon System Program* - Operational software, weapons integration.
- A-6E Operational Computer Program* - Overall computer program.
- F/A-18 Weapons Systems Program* - Integration of weapons and software.
- A-4/AV-8B Angular Rate Bombing System* - Development and production support.

*Indicates lead laboratory responsibility.

DEFENSE SUPPRESSION

- Shrike* - In-service engineering, and product improvement.
- Standard ARM* - In-service support.
- HARM* - Full-scale development.
- ERASE* - Development of technology and subsystems for anti-radiation systems.
- ALR-67* - Full-spectrum assistance to NAVAIR for development of the threat warning receiver.
- EWTES* - Electronic Warfare Threat Environment Simulator.

SURFACE-LAUNCHED MISSILES

- ASMD/Point Defense - Advanced missile technology.
- Seasparrow RIM-7M* - Adaptation AIM-7F to ship-launched role.
- Standard Missile - Fleet support and product improvement for fuzing and propulsion systems.
- Chaparral* - Production and field support, product improvement.
- SLU-FAE* - Development for the Army.

TEST AND EVALUATION*

- Conduct developmental and operational tests using ranges and T&E facilities.
- Develop and use surface and airborne electronic threat simulations.
- Develop and use airborne and land naval targets.
- Provide Trident propulsion support.
- Perform as lead activity for the Navy's secure telemetry effort.

TECHNOLOGY BASE (RESEARCH)*

- Support of target sensing, warning, guidance, control, CM and CCM systems.
- Development of propellants and study of propulsion systems.
- Characterize high-explosive, warhead, and terminal effects.
- Solution of materials problems.

TECHNOLOGY BASE (WEAPONS & COMPONENTS)*

- Advanced development on component programs.
- Support validation and full-scale development of components.
- Strike Warfare Weaponry and Missile Propulsion Block Programs.
- CNM Executive Agent for Navy fuze development.

*Indicates lead laboratory responsibility.

PRESIDENTIAL COMMISSION ON WORLD HUNGER

Meeting

The Presidential Commission on World Hunger will meet on Monday, May 5, 1980, in Room 2010 of the New Executive Office Building, 726 Jackson Place NW., Washington, D.C. The meeting will begin at 9:30 a.m. and will conclude at approximately 4:30 p.m.

The agenda for the meeting will include a discussion of follow-up activities pertaining to issuance of the Commission's Final Report to the President, implementation of public education plans and programs and such other business as may be required.

The meeting will be open to observation by the public to the extent space is available. Reservations are required and requests should be addressed to the Presidential Commission on World Hunger, 734 Jackson Place NW., Washington, D.C. 20006. Reservations will be honored on the basis of the earliest postmarks of requests.

Donald B. Harper,

Administrative Officer, Presidential Commission on World Hunger.

[FR Doc. 80-11928 Filed 4-17-80; 8:45 am]

BILLING CODE 6820-97-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 02/02-5398]

Agape Small Business Investment Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Agape Small Business Investment Corporation (applicant), with the Small Business Administration, (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the applicant are as follows:

Benjamin Crandal, 138 86th Street, Brooklyn, New York 11209; President, Director;
Rocco S. Falcomato, 2041 E. 26th Street, Brooklyn, New York 11229; Vice President, Director;
John Cassone, 1035 76th Street, Brooklyn, New York 11221; Secretary/Treasurer, Director;
Matthew Roriecki, 45 High Street, Monroe, New York 10950; Controller.

The applicant, a New York Corporation, with its principal place of

business at 6324 Seventh Avenue, Brooklyn, New York 11220, will begin operations with \$500,000 of paid-in capital and paid-in surplus derived from the sale of 500 shares of common stock to the Calvary Tabernacle Church.

The applicant will conduct its activities principally in the State of New York.

Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, on or before May 5, 1980, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20413.

A copy of this notice shall be published in a newspaper of general circulation in Brooklyn, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 14, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-11727 Filed 4-17-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1816]

Louisiana; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration for St. Tammany

Parish and an SBA declaration for Washington Parish, I find that St. Tammany and Washington Parishes and adjacent parishes within the State of Louisiana constitute a disaster area as a result of damage caused by heavy rains, flooding and high winds which occurred beginning on or about March 26, 1980, through April 2, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 13, 1980, and for economic injury until the close of business on January 12, 1981, at:

Small Business Administration, District Office, Plaza Tower—17th Floor, 1001 Howard Avenue, New Orleans, Louisiana 70113.

or other locally announced location.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 11, 1980.

William H. Mauk, Jr.,
Acting Administrator.

[FR Doc. 80-11726 Filed 4-17-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1979 Rev., Supp. No. 17]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$18,815,000 has been established for the company.

Name of company, business address, and State in which incorporated:

Motors Insurance Corporation, 767 Fifth Avenue, New York, New York 10022

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of Treasury Circular 570, 1979 Revision, at page 38095 to reflect this change. Copies of the 1980 Revision, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations,

Department of the Treasury,
Washington, D.C. 20226.

Dated: April 10, 1980.

Gerald Murphy,
*Acting Commissioner, Bureau of Government
Financial Operations.*

[FR Doc. 80-12005 Filed 4-17-80; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1979 Rev., Supp. No. 16]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$173,000 has been established for the company.

*Name of Company, Business Address, and
State in Which Incorporated*

Developers' Insurance Company, P.O. Box
884, Los Alamitos, California 90720—
California.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of Treasury Circular 570, 1979 Revision, at page 38090 to reflect this change. Copies of the 1980 Revision, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: April 10, 1980.

Gerald Murphy,
*Acting Commissioner, Bureau of Government
Financial Operations.*

[FR Doc. 80-12006 Filed 4-17-80; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register

Vol. 45, No. 77

Friday, April 18, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

BOARD FOR INTERNATIONAL BROADCASTING.

TIME AND DATE: 9:30 a.m., April 25, 1980.

PLACE: Board for International Broadcasting conference room, suite 430, 1030 15th Street NW., Washington, D.C. 20005.

STATUS: Closed, pursuant to 5 U.S.C. 552b(c)(1), 22 CFR 1302.4 (c) and (h) of the Board's rules (42 FR 9388, Feb. 16, 1977).

MATTERS TO BE CONSIDERED: Matters concerning the broad foreign policy objectives of the U.S. Government.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Arthur D. Levin, Budget and Administrator Officer, Board for International Broadcasting, Suite 430, 1030 15th Street, N.W., Washington, D.C. 20005, 202-254-8040.

[S-783-80 Filed 4-16-80; 2:55 pm]

BILLING CODE 6155-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 1 p.m., Tuesday, April 22, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

Common Carrier—1—Title: Final Report and Order (Comsat Study) regarding a study of

the corporate structure and operating activities of the Communications Satellite Corporation (Comsat), C.C. Docket No. 27-266. *Summary:* Section 505 of the National Maritime Satellite Telecommunications Act, Pub. L. No. 95-564, 92 Stat. 2392 (1978), requires the Commission to undertake a study of the corporate structure and operating activities of Comsat, with a view toward determining whether any changes are required to ensure that Comsat is able to effectively fulfill its statutory obligations. The instant item serves as the Commission's report to Congress, containing the Commission's findings, conclusions, and recommendations, which must be submitted no later than May 1, 1980.

Common Carrier—2—Title: Petitions of Aeronautical Radio, Inc. (Arinc) and the Department of Defense (DOD), on behalf of the U.S. Government, for declaratory rulings that they are authorized users of the international telecommunications facilities provided by the Communications Satellite Corporation (Comsat) under the Communications Satellite Act of 1962. *Summary:* The commission will consider whether to grant the requested declaratory rulings or, in the alternative, issue a Notice of Proposed Rulemaking which proposes modifications of the current Authorized User policy. The NPRM addresses Comsat's authority to deal directly with the public and the existing carrier's ability to gain access to the international satellite space segment provided by INTELSAT.

Common Carrier—3—Title: Notice of Proposed Rulemaking concerning resale and shared use of common carrier international communications services. *Summary:* The Commission will consider whether to initiate a rulemaking proceeding which proposes the elimination of tariff restrictions on resale and shared use of common carrier international communications services.

Common Carrier—4—Title: Applications for Review of an Order by the Chief, Common Carrier Bureau rejecting tariff revisions filed by TRT Telecommunications, Inc., under Transmittal No. 867 and by RCA Global Communications, Inc., under Transmittal No. 4522. *Summary:* The revisions would modify currently effective tariff provisions relating to restrictions on third party use of communications services and facilities to indicate that leased circuits may be used by the United States Postal Service to provide Intelpost service to the public on a temporary basis. The Commission will consider whether the Bureau's Order properly determined that these revisions are "single customer exceptions" to prohibitions against third party use of international communications services and facilities and, as such, were unlawfully discriminatory in violation of Section 202(a) of the Communications Act.

Common Carrier—5—Title: Petition of ITT World Communications, Inc. for rulemaking seeking adoption of rules to govern informal Commission contacts with foreign telecommunications entities, RM-3523. *Summary:* ITT's petition challenges the Commission's authority to engage in informal consultations with foreign administrations and telecommunications entities. Alternatively, ITT contends that if the Commission can participate in these consultations, it may do so only through compliance with governing rules such as ITT's petition proposes.

Common Carrier—6—Title: Application of International Relay, Inc., to provide high speed data transmission service between the United States and the United Kingdom. *Summary:* This item considers the application of a new international resale common carrier. The issues addressed are whether (1) an operating agreement between the applicant and its foreign correspondent is required prior to the Commission granting an authorization and (2) a time limit must be imposed on the authorization.

Common Carrier—7—Title: Application of Comsat to construct earth station facilities at Hickam AFB, Hawaii, and Finegayan NB, Guam, to provide 1.544 Mbps service for the Department of Defense. *Subject:* The Commission will consider whether to deny the request of Comsat to provide direct service to the Department of Defense as an authorized user and to construct earth station facilities on military bases located at Hickam, Hawaii, and Finegayan, Guam.

Common Carrier—8—Title: Application for Review of Common Carrier Bureau's Authorization of Western Union International, Inc. and American Satellite Corporation to establish and operate a second 1.544 mbps channel of communication between Stockton, California and Wahiawa, Hawaii. *Summary:* The Commission will consider whether the application for review, filed by Hawaiian Telephone Company, raises questions not properly considered by the Bureau. The issues to be discussed include (1) whether the Bureau erred by expanding the limited purpose gateway designation of Stockton to include a shared use with GSA for FTS service, and (2) whether the provision of FTS service over the Stockton/Wahiawa line is consistent with the public convenience and necessity.

Common Carrier—9—Title: Complaint, File No. TS-9-79; DOD Petition for the provision of interconnection facilities for 19 shared circuits of GSA between Wahiawa, Hawaii and Hawaiian Telephone Company Honolulu exchange. The Department of Defense has requested the Commission to require Hawaiian Telephone Company to provide facilities necessary to allow it to implement sharing with GSA of some of its

circuits between Wahiawa, Hawaii and the continental U.S. GSA was authorized to use 19 of circuits to provide FTS service between the U.S. mainland and Hawaii by an order of the Chief, Common Carrier Bureau, released July 3, 1979. Commission will also consider whether to impose for forfeiture pursuant to 201(a) of the Act.

Common Carrier—10—Title: Complaint filed by ITT World Communications, Inc. against the Puerto Rico Communications Authority (TS 11-79). **Summary:** ITT requesting additional telex trunks from PRCA. PRCA has delayed meeting this request for three years.

Common Carrier—11—Title: Complaints concerning Bell System Companies' offer of facilities to other common carriers. (File Nos. TS-6-80; 5-78; 1-79). **Summary:** The Commission will consider complaints filed by ITT Worldcom and WUI, concerning the terms and conditions under which the Bell System Companies make entrance and intercity facilities available to other common carriers.

Common Carrier—12—Title: Amendment of Part O of the Commission's Rules with respect to delegation of authority to the Chief, Common carrier Bureau. **Summary:** The Commission will consider whether to amend its rules to authorize the Chief, Common Carrier Bureau: (1) to designate for hearing formal complaints which do not raise novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines, and (2) to designate for hearing mutually exclusive applications for radio facilities under new Part 22 of the Rules.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: April 15, 1980.

[S-779-80 Filed 4-16-80; 10:28 am]

BILLING CODE 6712-01-M

3

[FR 730]

FEDERAL ELECTION COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME: 10 a.m., Tuesday, April 15, 1980.

CHANGE IN MEETING: The following items were added to the agenda:

Labor Management Relations (continued from April 10, 1980).

Litigation.

Carter/Mondale Threshold Audit.

* * * * *

DATE AND TIME: 10 a.m., Wednesday, April 16, 1980.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

(1) Kennedy for President Committee Threshold Audit (continued from April 10, 1980 discussion of Title 26 Matching Funds).

(2) Carter/Mondale Presidential Committee, Inc., Threshold Audit (continued from April 15, 1980).

* * * * *

PREVIOUSLY ANNOUNCED DATE AND TIME: 10 a.m., Thursday, April 17, 1980.

CHANGE IN MEETING: The following matter was been added to the open agenda scheduled for the above date: conversion of threshold audits to post primary audits (continued from April 10, 1980).

* * * * *

DATE AND TIME: 10 a.m., Tuesday, April 22, 1980.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance, Personnel, Labor/Management Relations.

* * * * *

DATE AND TIME: 10 a.m., Thursday, April 24, 1980.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of date for future meetings. Correction and approval of minutes. Certifications.

Advisory opinions: Draft AO 1980-20—James S. Eastham, Rexnord; Draft AO 1980-27—Carl Weissburg, Federation of American Hospitals (FAH) and FedPAC; Draft AO 1980-29—Norman D. Shumway, (Member of Congress); and Draft AO 1980-36—Edgar H. Boles, Counsel for Ruth Miller for Congress Committee.

Legislative recommendations. 1980 Election and related matters. Appropriations and Budget. Pending Legislation. Classification actions. Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-776-80 Filed 4-15-80; 4:40 pm]

BILLING CODE 6715-01-M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., April 23, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

MATTERS TO BE CONSIDERED:

Application for Branch Office—United First Federal Savings and Loan Association, Sarasota, Florida.

Extension of Time to Open a Branch Office—First Federal Savings and Loan Association of New Haven, New Haven, Connecticut. Service Corporation Activity, VISA Credit Card Program—First Federal Savings and Loan Association of Cleveland, Cleveland, Ohio.

Applications for Bank Membership and Insurance of Accounts—Arrowhead Savings and Loan Association, Blue Jay, California.

Bank Membership and Insurance of Accounts—Monterey Park Savings and Loan Association, Monterey Park, California.

[S-781-80 Filed 4-16-80; 12:41 pm]

BILLING CODE 6720-01-M

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., April 23, 1980.

PLACE: Hearing room 1, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Emmett I. Sindik, Customs Broker—Application for independent ocean freight forwarder license.

2. Agreement No. 10377: Space charter agreement between Suh Jin Shipping Co., Ltd. and Toko Kaiun Kaisha, Ltd.

3. Agreement No. 9891-7: Modification of the Unigulf Sailing and Ratemaking Agreement to extend the term of its approval.

4. Agreement No. 9902-9: Modification of the Euor-Pacific Joint Service to allow overland United States service in the event of emergency preventing all-water service.

5. Informal Docket No. 420(1): Stop & Shop Companies, Inc., Bradlees Division v. Barber Blue Sea Line and Barber Steamship Lines, Inc.—Review of Settlement Officer's decision.

6. Informal Docket No. 440: Allied Stores International, Inc. v. U.S. Lines Informal Docket No. 441: The Stop & Shop Companies, Inc., Bradlees Division v. Barber Blue Sea Line.

Informal Docket No. 460: Kraft Foods Corporation v. Barber Blue Sea Line Informal Docket No. 701: Warner-Lambert Ltd. v. Compania Peruana De Vapores—Review of Settlement Officers' decisions.

7. Docket No. 78-2: Organic Chemicals (Glidden-Durkee) Division of SCM Corporation v. Atlantraffik Express Service—Petition for reconsideration of denial of claim for reimbursement of expenses.

8. Docket No. 79-102: Sea-Land Service, Inc., Proposed 25% General Rate Increases in the U.S. Mainland—Puerto Rico/Virgin Islands Trade—Petition of Sea-Land Service, Inc. for clarification of order approving settlement agreement.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-777-80 Filed 4-16-80; 9:53 am]

BILLING CODE 6730-01-M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

April 14, 1980.

TIME AND DATE: 10 a.m., Monday, April 21, 1980.**PLACE:** Room 600, 1730 K Street NW., Washington, D.C.**STATUS:** Open.**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following:

1. Sewell Coal Company, Docket No. HOPE 79-6-P, etc. (Petition for Discretionary Review; issues include whether operator was denied hearing rights).

2. Secretary of Labor on behalf of Walter Karnstein v. Allis-Chalmers Corporation, Docket No. LAKE 80-242-DM (Petition for Discretionary Review; issues include propriety of temporary reinstatement order).

3. Secretary of Labor on behalf of Thomas Robinette v. United Castle Coal Company, Docket No. VA 79-141-D (Petition for Discretionary Review; issues include whether miner was discharged in violation of section 105(c) of the Act).

CONTACT PERSON FOR MORE**INFORMATION:** Jean Ellen 202-653-5632.

[S-785-80 Filed 4-16-80; 3:30 pm]

BILLING CODE 6820-12-M

7

FEDERAL RESERVE SYSTEM. (Board of Governors.)**TIME AND DATE:** 10:30 a.m., Wednesday, April 23, 1980.**PLACE:** 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.**STATUS:** Open.**MATTERS TO BE CONSIDERED:**

1. Proposal to permit underwriting of credit-related home mortgage life insurance as a permissible activity for bank holding companies.

2. Proposed statement to be presented to the Subcommittee on Consumer Affairs of the Senate Committee on Banking, Housing, and Urban Affairs regarding S. 928, the "Fair Financial Information Practices Act of 1979".

3. Proposed revision of Regulation Z (Truth in Lending) in connection with the passage of the Truth in Lending Simplification and Reform Act.

4. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE**INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: April 15, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-778-80 Filed 4-16-80; 9:53 am]

BILLING CODE 6210-01-M

8

NEIGHBORHOOD REINVESTMENT CORPORATION.

Regular meeting of the Board of Directors.

TIME AND DATE: 2 p.m., April 23, 1980.**PLACE:** Board Room, sixth floor, 1700 G Street NW., Washington, D.C.**STATUS:** Open meeting.**CONTACT PERSON FOR MORE****INFORMATION:** Timothy McCarthy, Assistant Director, Communications, 202-377-6815.**AGENDA:**

Call to Order and Remarks of the Chairman.

Approval of Minutes, January 23, 1980.

Report of the Personnel Committee.

Report of the Audit Committee.

Resolution: Amendment to Banking

Resolutions.

Resolution: Appointment of Assistant

Treasurer.

Resolution: Allocation of Interest Earnings.

Presentation on HUD Evaluation of the

Neighborhood Housing Services Model—

Dr. Donna Shalala, Assistant Secretary.

Policy Development and Research.

Executive Director's Report.

Progress Report on Impact Study—Dr. Phillip

Clay, Manager Program Evaluation.

Treasurer's Report.

No. 11, April 16, 1980.

Donnie L. Bryant,

Secretary.

[S-780-80 Filed 4-16-80; 11:48 am]

9

NUCLEAR REGULATORY COMMISSION.**TIME AND DATE:** Tuesday, April 22, 1980.**PLACE:** Commissioners Conference Room 1717 H Street NW., Washington, D.C.**STATUS:** Open/closed.**MATTERS TO BE CONSIDERED:**

2 p.m.

1. Briefing on General Position on

Protection of Routing Information

(approximately 1 hour, public meeting).

2. Affirmation Session (approximately 10 minutes, public meeting).

Items are tentative: (a) Physical Protection

of Irradiated Fuel in Transit; (b) Fire

Protection Actions; (c) UCS Petition on Fire

Protection and Electrical Connectors; and (d)

Technical Criteria for Disposal of Wastes.

3. Time Reserved for Discussion and Vote

on Affirmation Items (If required 15 minutes,

public meeting).

4. Time Reserved for Discussion of

Management-Organization and Internal

Personnel Matters (approximately 1½ hours, closed—Ex. 2 and 6).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING**SERVICE FOR DAILY UPDATE:** (202) 634-14198.

Those planning to attend a meeting should reverify the status whenever possible.

Walter Magee,

Office of the Secretary.

[S-782-80 Filed 4-16-80; 2:34 pm]

BILLING CODE 7590-01-M

10

SECURITIES AND EXCHANGE COMMISSION.**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** (To be published).**STATUS:** Closed meeting.**PLACE:** Room 825, 500 North Capitol Street, Washington, D.C.**DATE PREVIOUSLY ANNOUNCED:** Thursday, April 10, 1980.**CHANGES IN THE MEETING:** Additional items.

The following additional items will be considered at a closed meeting scheduled for Wednesday, April 16, 1980, following the 10:00 a.m. open meeting.

Formal order of investigation.

Consideration of amicus participation.

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Friedman determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Granda at (202) 272-2091.

April 16, 1980.

[S-784-80 Filed 4-16-80; 3:30 pm]

BILLING CODE 8010-01-M

Federal Register

**Friday
April 18, 1980**

Part II

Department of Labor

Employment Standards Administration

**Minimum Wages for Federal and
Federally Assisted Construction; General
Wage Determination Decisions**

DEPARTMENT OF LABOR

Employment Standards
Administration, Wage and Hour
DivisionMinimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of

publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedes
Decisions to General Wage
Determination Decisions

Modifications and supersedes decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedes decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedes decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is

encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage & Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original general determination decision.

New General Wage Determination
Decisions

None.

Modifications to General Wage
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arkansas—AR79-4057	Aug. 3, 1979
California—CA80-5110	Mar. 14, 1980
Colorado:	
CO79-5117	June 15, 1979
CO79-5119	June 15, 1979
CO79-5120	June 15, 1979
Connecticut:	
CT79-2010	Apr. 6, 1979
CT79-2011	Apr. 6, 1979
Iowa—IA78-4105	Nov. 24, 1978
Michigan—MI79-2019	May 4, 1979
Montana—MT80-5111	Mar. 28, 1980
New Mexico:	
NM79-4103	Nov. 2, 1979
NM79-4104	Nov. 2, 1979
Rhode Island—RI79-2065	Aug. 17, 1979
Virginia—VA80-3005	Apr. 4, 1980

Supersedes Decisions to General Wage
Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedes decision numbers are in parentheses following the numbers of the decisions being superseded.

California—CA78-5106(CA80-5114)	July 7, 1978
Montana:	
MT79-5106(MT80-5113)	July 27, 1979
MT79-5129(MT80-5112)	Aug. 17, 1979
Pennsylvania:	
PA78-3045(PA80-3034)	May 12, 1978
PA78-3064(PA80-3027)	Sept. 22, 1978
Wisconsin—WI78-2110(WI80-2027)	Oct. 20, 1978

Cancellation of General Wage
Determination Decisions

None.

Signed at Washington, D.C., this 11th day of April 1980.

Dorothy P. Come,
Assistant Administrator, Wage and Hour
Division.

BILLING CODE 4510-27-M

MODIFICATION PAGE 3

DECISION NO. CA80-5110 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LINE CONSTRUCTION: Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties west of the Main Sierra Mountain Watershed: Linemen Cable Splicers Groundmen	\$17.05 18.76 13.64	.95 .95 .95	38+2.50 38+2.50 38+2.50			$\frac{1}{2}$ $\frac{1}{2}$ $\frac{1}{2}$

MODIFICATION PAGE 4

DECISION NO. CO79-5117 - Mod. #5 (44 FR 24719-June 15, 1979)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado Change: Bricklayers: Boulder and Grand Cos. Larimer County Electricians: Remaining Counties: Electricians Cable Splicers	\$11.29 11.49 14.25 14.50	.85 .85 .70 .70	.95 1.05 38+1.25 38+1.25			.05 .05 3/10% 3/10%
DECISION #CO79-5119-Mod. #5 (44 FR 34728-June 15, 1979)						
Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado Change: Electricians: Electricians Cable Splicers	14.00 14.25	.75 .75	38+.25 38+.25			1 $\frac{1}{2}$ 1 $\frac{1}{2}$
DECISION #CO79-5120-Mod. #4 (44 FR 34733-June 15, 1979)						
Las Animas, Otero, and Pueblo Counties, Colorado Change: Electricians: Zone 1: Electricians Cable Splicers	12.49 13.76	.72 .72	38+1.00 38+1.00			1 $\frac{1}{2}$ 1 $\frac{1}{2}$

DECISION NO. C079-5120 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
Zone 2: Electricians Cable Splicers	\$13.24 14.58	.72 .72	38+1.00 38+1.00		1½ 1½
Zone 3: Electricians Cable Splicers	13.74 15.13	.72 .72	38+1.00 38+1.00		1½ 1½
Zone 4: Electricians Cable Splicers	14.37 15.83	.72 .72	38+1.00 38+1.00		1½ 1½
Zone 5: Electricians Cable Splicers	14.99 16.51	.72 .72	38+1.00 38+1.00		1½ 1½
Electrical contracts under \$20,000 in Zones 3 and 4	10.25	.72	38+1.00		1½

DECISION NO. CT79-2010 - MOD. # 10 (44 FR 20913 - April 6, 1979) Fairfield, Litchfield, & Windham Cos. Connecticut	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Change: <u>LABORERS (Building Construction)</u> Laborers Asphalt rakers, con- crete & power buggy ops., concrete saw ops., chain saw ops., fence & guard rail erectors, form setters, pipelayers, dry stone wall builders, mason tenders, pneumatic drill ops., pneumatic gas & electric drill ops., powdermen & wagon drill operators and precast erectors Air track ops., block pavers, and curb setters Blasters Open air caisson, cylindrical work and boring crew: Top man Bottom man	\$8.65	.60	.80		.10
	8.90	.60	.80		.10
	9.15 9.15	.60 .60	.80 .80		.10 .10
	8.65 9.15	.60 .60	.80 .80		.10 .10

DECISION NO. CT79-2011 - MOD. #12 (44 FR 20921 - April 6, 1979) Hartford, Middlesex, New Haven, New London, & Tol- land Cos., Connecticut	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Change: LABORERS (Building Construction) Laborers Asphalt Rakers, con- crete & power buggy ops., concrete saw ops., chain saw ops., fence & guard rail erectors, form set- ters, pipelayers, dry stone wall builders, mason tenders, pneu- matic drill ops., powdermen & wagon drill operators and precast erectors Air track ops., block pavers; and curb setters Blasters Open air caisson, cylindrical work and boring crew: Top man Bottom man	\$ 8.65	.60	.80		.10
	8.90	.60	.80		.10
	9.15	.60	.80		.10
	9.15	.60	.80		.10
	8.65	.60	.80		.10
	9.15	.60	.80		.10

DECISION NO. CT79-2011 - MOD. #12 - Cont'd.	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change: STEAMFITTERS: Hartford Co.: Avon, Bloomfield, Burlington, Canton, E. Granby, E. Hartford, E. Windsor, Endfield, Farmington, Glaston- bury, Granby, Hartford, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, S. Windsor, Suffield, W. Hartford, Wethersfield, Windsor, & Windsor Locks; Mid- dlesex Co.: Chester Cromwell, Deep River, E. Haddam, E. Hampton, Haddam, Maromas (Ato- mic River Project), Middlefield, Middle- town, Portland, Tol- land Co., Andover, Bol- ton, Columbia, Conven- try, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union, Vernon & Willington	\$11.57	1.36	1.31		.13	

Decision # IA78-4105-Mod. #6 (43 FR 55168-November 24, 1978) Building Johnson County, IA	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CHANGE: Carpenters: Carpenters, Soft Floor Layer Piledrivermen	\$11.26 11.61		.55 .55			.08 .08
DECISION NO. M179-2019 - MOD. #4 (44 FR 26457 - May 4, 1979) Macomb, Monroe, Oakland, Washtenaw & Wayne Counties, Michigan						
CHANGE: Electricians: Washtenaw County	\$12.61	.50+.4%	.70+.3%	10%		.25

DECISION #MT80-5111-Mod. #1
(45 FR 20651 - March 28,
1980)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CHANGE: Electricians: Big Horn, Carbon, Carter, Dawson, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wibaux and Yellowstone Counties: Electricians Cable Splicers Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties: Electricians Cable Splicers Sheet Metal Workers: Broadwater, Jefferson (including north half of the City of Boulder), Lewis and Clark and Meagher Counties Truck Drivers: Combination Truck; Concrete Mixer and Transit Mixers: Over 6 cu. yds. to and including 8 cu. yds. Dry Batch Trucks: Over 5 batch to and including 10 batch	\$12.82 13.27 12.32 13.71 13.13 10.50 10.38	.45 .45 .45 .45 .73 .75 .75	3%+.50 3%+.50 3%+.50 3%+.50 .66 .77 .77			1/2% 1/2% 1/2% 1/2% .12

MODIFICATION PAGE 12

DECISION NO. MT80-5111 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties: Electricians	\$12.95	.60	38+.75		1/28
Cable Splicers	13.20	.60	38+.75		1/28
Painters: Flathead, Granite (northern area north limits of Phillipsburg), Lake, southern area including the City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli and Sanders Counties: Traffic Surface: Sandblaster; Stripper; Material Mixer; Applicator Operator	10.00	.56	.40		
Add: Carpenters: Statewide excluding Beaverhead and Silver Bow Counties: Carpenters Millwrights Piledrivermen Electricians: Cascade County: Electricians Cable Splicers	10.53 11.53 10.78	.80 .80 .80	.75 .75 .75		.02 .02 .02
	14.40 15.12	.65 .65	38+.75 38+.75		1/28 1/28

MODIFICATION PAGE 11

DECISION NO. MT80-5111 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
Dump Trucks and similar equipment; DW 20, DW 21, or Euclid Tractors, pulling P.R. 21 or similar Dump Wagons: Water Level capacity, including sideboards Over 10 cu. yds. to and including 15 cu. yds.	\$10.38	.75	.77		
Omit: Carpenters: Broadwater, Jefferson and Lewis and Clark Counties: Carpenters Piledrivermen; Stationary Power Saw Operators and Saw Filer Millwrights Remainder of Counties: Carpenters Piledrivermen; Saw-filers; Carpenters on charred and Creosote wood; Stationary Power Saw Operator Millwrights Electricians: Blaine, Hill, Liberty, and Phillips Counties: Contracts over \$150,000 Contracts under \$150,000	10.49 10.69 11.44 10.53 10.78 11.53 12.95 12.10	.80 .80 .80 .80 .80 .80 .60 .60	.75 .75 .75 .75 .75 .75 38+.75 38+.75		.02 .02 .02 1/28 1/28

DECISION NO. MT80-5111 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Blaine, Chouteau, Daniels, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Petroleum, Pondera, Phillips, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland Counties: Contracts under \$75,000: Electricians Cable Splicers Contracts over \$75,000: Electricians Cable Splicers	.65 .65	38+.75 38+.75		1/2% 1/2%
Painters: Statewide: Highway, parking and marking traffic surface applicator operator; Material Mixer; Sandblaster; Stripper	.65 .65	38+.75 38+.75		1/2% 1/2%
10.00	.56	.40		

DECISION NO. NM79-4103 - Mod. #2
44 FR 63443 - November 2, 1979
Statewide, New Mexico

CHANGE THE DESCRIPTION OF WORK TO READ "Building and Heavy Projects (also including Residential Project in Santa Fe, Bernalillo, Rio Arriba, Taos, Sandoval and Valencia Counties) but does not include heavy construction on the Navajo Indian Reservation."

DECISION NO. NM79-4104 - Mod. #1
44 FR 63456 - November 2, 1979
Statewide, New Mexico

CHANGE THE DESCRIPTION OF WORK TO READ "Sewer and Water, Highway projects except on the Navajo Indian Reservation."

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. R179-2065 - Mod. #2 (44 FR 48587 - August 17, 1979) Statewide, Rhode Island	1.20	1.25		.02
Change: Bricklayers: Stonemasons: Remainder of County. Cement Masons; Plasterers: Woonsocket, N. Smithfield, Burrillville, Chepachet, Cumberland (N 1/3), & Lincoln Elevator Constructors Glaziers Sheet Metal Workers Truck Drivers: Class I Class II Class III Class IV Class V Class VI Class VII	1.20 1.045 .62 .96 .9925 .9925 .9925 .9925 .9925 .9925 .9925 .9925 8.27 8.42 8.47 8.57 8.67 8.92 9.17	1.25 .82 1.38 1.55 1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10	a+b a+b a+b a+b a+b a+b a+b a+b a+b a+b a+b a+b a+b a+b a+b a+b a+b	.02 .035 .01 .12
DECISION NO. VA-80-3005-Mod. #1 (45 FR 23282-April 4, 1980) Alleghany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Rockingham, Shenandoah, & Warren Counties, VA				
CHANGE: Asphalt Distributor Operator			\$ 4.52	

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ELECTRICIANS: (Cont'd)						
Mariposa, Merced and Tuolumne Counties:						1/4%
Electricians	\$15.47	\$1.00	38+1.75			1/4%
Cable Splicers	17.02	1.00	38+1.75			
Monterey County:						
Electricians	14.85	1.15	38+3.71			.10
Cable Splicers	16.71	1.15	38+3.71			.10
Napa and Solano Counties:						
Electricians	16.07	1.42	38+2.00			.05
Cable Splicers	13.42	1.42	38+2.00			.05
San Benito, Santa Clara and Santa Cruz Counties:						
Electricians	15.77	1.15	38+3.71			.10
Cable Splicers	17.75	1.15	38+3.71			.10
San Francisco county:						
Electricians	16.66	1.36	38+1.255			.07
Cable Splicers	18.74	1.36	38+1.255			.07
San Mateo County:						
Electricians	15.54	1.25	38+1.75			.03
ELEVATOR CONSTRUCTORS	17.74	1.045	.82	a		.035
GLAZIERS:						
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from east of Fairfield), and Sonoma Counties	15.25	1.11	2.32			.10
Amador, Calaveras, El Dorado, Mariposa, Merced, (North of City of Livingston), Nevada, Placer, Sacramento, Yolo and Yuba Counties						
Remaining portions of Merced County	12.931	.83	1.60			
IRONWORKERS:						
Fence Erectors	10.12	.94	1.04	.615		.05
Reinforcing	11.61	1.39	2.82	1.90		.07
Ornamental; Structural	12.50	1.39	2.82	1.90		.07

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LATHERS:						
Alameda and Contra Costa Counties	\$14.51	\$1.31	\$2.00			.10
Humboldt, Nevada, Placer and Tehama Counties	11.00	.66	.50			.01
Amador, El Dorado, Sacramento and Yolo Cos. Calaveras and San Joaquin Counties	11.02	.67	2.25	1.50		.02
Marin and Sonoma Counties	11.30	.68	.55			.01
Monterey and Santa Cruz Counties	9.01	.87	.85	1.00		1/8%
San Francisco and northern half of San Mateo County	11.30	.68	.55			.01
San Benito and Santa Clara Counties	13.07	.66	2.00			.02
Mariposa, Merced and Tuolumne Counties	12.69	.98	1.75			
Southern half of San Mateo County	10.75					
PAINTERS:	10.03	.32	1.00			.01
Amador, Calaveras and San Joaquin Counties:						
Brush	11.49	1.00	2.34	1.11		
Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel						
Del Norte and Humboldt Counties:	11.89	1.00	2.34	1.11		
Brush	9.15	.95	.50	1.00		
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers; Paperhangers						
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of the Lake Tahoe Area):	9.40	.95	.50	1.00		
Brush						
Spray	15.15	1.50	2.00	.80		.06
Tapers	15.65	1.50	2.00	.80		.06
	15.70	1.50	2.00	.80		.06

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vocation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)				
Sutter and Yuba Counties: Brush; Pot Tender; Rollers	.65	.70		
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers	.65	.70		
Lake Tahoe Area: Brush	.70	.75		.02
Spray; Structural Steel; Tapers	.70	.75		.02
Marin, San Francisco and Sonoma Counties:				
Brush	1.80	2.00	.80	.06
Spray	1.80	2.00	.80	.06
Tapers	1.80	2.00	.80	.06
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area):				
Brush	1.70	2.00	.80	.06
Spray	1.70	2.00	.80	.06
Tapers	1.70	2.00	.80	.06
Mariposa, Merced and Tuolumne Counties:				
Brush	1.55	.85	1.00	.02
Swing Stage, Paper-hangers, Bosun Chair, Steam Cleaning and Water Blasting	1.55	.85	1.00	.02
Spray; Sandblasting	1.55	.85	1.00	.02
PLASTERERS:				
Alameda and Contra Costa Counties	1.10	2.60		.03
Sutter and Yuba Counties	1.21	2.15		.03
Fresno County	.90	1.25	1.11	
Monterey County	1.00	1.35		.01

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vocation	Education and/or Appr. Tr.
PLASTERERS: (Cont'd)				
Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, Yolo and Yuba Counties	\$13.21	\$2.15		.03
San Francisco County	14.08	3.00		.06
San Mateo County	14.08	3.00		.06
Del Norte, Humboldt, Marin, Napa, Solano and Sonoma Counties	11.60	.95	1.25	.01
Mariposa, Merced and Tuolumne Counties	11.10	2.50	2.00	
Alameda and Contra Costa Counties	8.87	1.10		
Marin County	8.32	1.40	.90	
Solano County	12.70	1.70	1.10	
Napa County	13.80	1.25	1.10	
San Francisco and San Mateo Counties	10.65	1.40	1.25	
Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.455	1.40	.80	
Calaveras and San Joaquin Counties	11.61	1.70	1.00	
Monterey County	10.40	1.70		
San Benito, Santa Clara and Santa Cruz Counties	11.16	1.35		
PLUMBERS:				
Alameda County	16.35	2.52		.16
Contra Costa County	17.87	2.39		.26
PLUMBERS; Steamfitters:				
Amador (Northern half of County), El Dorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	16.32	2.07		.14
Lake Tahoe Area	16.09	1.00		.10
Marin, San Francisco And Sonoma Counties	17.60	2.29		.20

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
PLUMBERS; Steamfitters: (Cont'd)				
San Benito and Santa Clara Counties	\$1.08	\$1.77		.14
San Mateo County	1.14	2.30		.25
Amador (southern portion of County), Calaveras, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Sutter, Tuolumne and Yuba Counties	1.62	2.42		.10
Napa and Solano Counties	1.40	2.39		.22
Del Norte and Humboldt Counties	1.12	2.65		.10
ROOFERS: Alameda and Contra Costa Counties:				
Roofers	1.25	1.80	1.35	.09
Mastic workers; Kettlemen (2 kettles w/o pumps)	1.25	1.80	1.35	.09
Bitumastic; Enamelers; Pipewrappers; Coal tar built up	1.25	1.80	1.35	.09
Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties:				
Roofers (slate, tile and composition & built up)	.98	.67		
Felt Machine Operator	.98	.67		
El Dorado, Placer, Sutter and Yuba Counties:				
Roofers	1.22	.55		.10
Marin, Napa, Solano and Sonoma Counties:				
Roofers	1.10	1.40	2.43	.09
Mastic Workers; Kettlemen (2 kettle w/o pumps)	1.10	1.40	2.43	.09
Bitumastic; Enamelers; Pipewrappers; Coal tar pitch	1.10	1.40	2.43	.09
Del Norte and Humboldt Counties:				
Roofers	.40	.75	.35	

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ROOFERS: (Cont'd) Monterey and Santa Cruz Counties:				
Roofers	\$1.40	\$1.15		
San Francisco and San Mateo Counties:				
Roofers	.80	1.50	1.90	.09
Mastic Workers and Kettlemen (2 kettles w/o pumps)	.80	1.50	1.90	.09
Bitumastic; Enamelers; Pipewrappers; Coal tar	.80	1.50	1.90	.09
Amador, Sacramento and Yolo Counties:				
Roofers	1.19	1.10	2.00	.10
Enamelers and Pitch	1.19	1.10	2.00	.10
San Benito and Santa Clara Counties:				
Roofers; Kettlemen (1 kettle)	.99	1.68		
SHEET METAL WORKERS: Alameda, Contra Costa, Napa and Solano Counties				
Calaveras and San Joaquin Counties	1.23	2.21	12%	.05
Amador, El Dorado, Nevada, Placer, Sacramento, Sutter, Yolo and Yuba Counties	1.23	2.00		.01
Mariposa, Merced and Tuolumne Counties	1.23	2.21		.13
Santa Clara and Santa Cruz Counties	1.23	2.08		.04
San Mateo County	1.20	38+2.21		.03
Del Norte, Humboldt, Marin, San Francisco and Sonoma Counties	1.23	2.20		.045
	1.38	2.00		.16

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
TILE SETTERS: Alameda, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Solano, Sonoma, Sutter, Yolo and Yuba Counties Amador, Calaveras, San Joaquin and Tuolumne Cos. Mariposa and Merced Cos. Monterey and Santa Cruz Counties TILE FINISHERS: Alameda, Contra Costa, Del Norte, Humboldt, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Sonoma and Solano Counties Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, Yolo and Yuba Counties	\$13.00 9.92 11.30 15.44	\$1.08 1.00 1.05 1.48	\$1.30 .70 1.00 1.64	\$1.58 2.00 10%	\$ 1.15 .05
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTE: a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.					

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
SOFT FLOOR LAYERS: Amador, Calaveras, Merced (east of the San Joaquin River), San Joaquin, Sacramento, Sutter, Tuolumne, Yolo and Yuba Counties; and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area): Lake Tahoe Area Alameda, Contra Costa, Marin, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Cos.	\$12.43 13.74 .89 .70	\$ 1.30 .20	\$1.25		.10
SPRINKLER FITTERS: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties Remaining Counties STEAMFITTERS: Alameda and Contra Costa Counties Del Norte and Humboldt Counties TERRAZZO WORKERS: Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties El Dorado, Nevada, Placer, Sacramento, Sutter, Yolo and Yuba Counties	14.13 18.71 17.38 15.68 12.75 13.43 11.80	.90 .75 .75 1.40 1.12 1.50 .80	1.70 2.55 2.55 2.39 2.65 1.83 .90	1.35	.10 .14 .08 .02 .10 .25

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocation		
LABORERS						
Group 1	\$10.605	\$1.30	\$1.75	\$1.40		.10
Group 1(a)	10.83	1.30	1.75	1.40		.10
Group 1(b)	11.105	1.30	1.75	1.40		.10
Group 1(c)	10.655	1.20	1.75	1.40		.10
Group 1(d)	11.405	1.30	1.75	1.40		.10
Group 1(e)	11.155	1.30	1.75	1.40		.10
Group 1(f)	11.19	1.30	1.75	1.40		.10
Group 1(f)1	10.205	1.30	1.75	1.40		.10
Group 1(g)	9.675	1.30	1.75	1.40		.10
Group 2	10.455	1.30	1.75	1.40		.10
Group 3	10.355	1.30	1.75	1.40		.10
LABORERS (Gunite)						
Group 1	11.065	1.30	1.75	1.40		.10
Group 2	11.475	1.30	1.75	1.40		.10
Group 3	10.355	1.30	1.75	1.40		.10

Group 1: Asphalt Ironers and Rakers; Barko, wacker and similar type tampers; Bugymobile; Chainsaw, faller, logloader and bucket; Compactors of all types; Concrete and magnesite mixer 1/2 yard and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; Slip forms; Green cutters, Headerboardmen, Hubsetters, Aligners; Jackhammer operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracking, trench-jacking, hand-guided lagging hammer; Magnesite, Epoxysin, fiberglass, and mastic workers (wet or dry); Pavement Breakers and Spaders, including Tool Grinder; Pipelayers, Caulkers, Banders, Pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap/stonepaver and rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chopper; Davis trencher - 300 or similar type (and all small trenchers); Roto and Ditch Witch; Roto-tiller; Sandblasters, Potman, Gunman, Nozzleman; Signalling and Rigging; Tank Cleaners; Tree Climbers; Vibra-screed - Bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressure blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro Seeder and similar type; Laser Beam in connection with laborers' work

Group 1(a): Joy Drill Model TWM-2A; Gardener-Denver Model DH143 and similar type drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and Powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High Scales (including drilling of same); Tree topper; Bit Grinder

Group 1(b): Sewer Cleaners

Group 1(c): Burning and Welding

Group 1(d): Repair Trackmen and rod beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on General construction work on or in bell hole footings and shaft

LABORERS (Cont'd)

Group 1(f): Wire winding machine in connection with guniting or shotcrete - Aligner

Group 1(f)1: Wire winding machine in connection with guniting or shotcrete

Group 1(g): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit layers and Plastic pipelayers; Pressure pipe tester, no joint pipe and stripping of same, including repair of voids, Precast manhole setters, cast in place, Manhole form setters

Group 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and Rigger (clearing work); Concrete BucketDumper and Chuteman; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Driller's Tenders; Chuck Tender; Nozzleman, Adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper, and similar type Brush Shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas and electric tools; Jacking of pipe under 12 inches

Group 3: All cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction laborers including bridge and general laborers; Dumpman, load spotter; Fire Watcher; Street Cleaners; Gardeners, Horticultural and landscape laborers; Jetting; Limbers; Brush Loaders; Pilers, maintenance landscape laborers on new construction; Maintenance, Repair Trackmen and Road beds; Steetcar and Railroad construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

LABORERS (Gunnite)

Group 1: Nozzleman (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
			H & W	Pensions	Vacation		
	AREA 1	AREA 2					
Group 1:	\$10.63	\$12.40	\$1.99*	\$2.50	\$1.35	.29	
Group 2:	11.04	12.81	1.99*	2.50	1.35	.29	
Group 3:	11.29	13.06	1.99*	2.50	1.35	.29	
Group 4:	11.94	13.71	1.99*	2.50	1.35	.29	
Group 5:	12.19	13.96	1.99*	2.50	1.35	.29	
Group 6:	12.37	14.14	1.99*	2.50	1.35	.29	
Group 7:	12.55	14.32	1.99*	2.50	1.35	.29	
Group 8:	13.07	14.84	1.99*	2.50	1.35	.29	
Group 9:	13.33	15.10	1.99*	2.50	1.35	.29	
Group 10:	13.59	15.36	1.99*	2.50	1.35	.29	
Group 10-A:	13.73	15.50	1.99*	2.50	1.35	.29	
Group 11:	13.94	15.71	1.99*	2.50	1.35	.29	
Group 11-A:	15.36	17.07	1.99*	2.50	1.35	.29	
Group 11-B:	15.64	17.41	1.99*	2.50	1.35	.29	
Group 11-C:	16.01	17.78	1.99*	2.50	1.35	.29	

POWER EQUIPMENT OPERATORS
Group 1:
Group 2:
Group 3:
Group 4:
Group 5:
Group 6:
Group 7:
Group 8:
Group 9:
Group 10:
Group 10-A:
Group 11:
Group 11-A:
Group 11-B:
Group 11-C:

Includes \$.39 per hour to Pensioned Health and Welfare Fund.
see AREA DEFINITIONS following TRUCK DRIVERS.

*Includes \$.39 per hour to Pensioned Health and Welfare Fund.

See AREA DEFINITIONS following TRUCK DRIVERS.

POWER EQUIPMENT OPERATORS
(Areas I and II)

Group 1: Assistant to engineers (Brakeman; Fireman; Oilier; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screed); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (Signalman); Motorman; Locomotive; Oilier, Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck crane Oilier

Group 4: Ballast Jack Tamber; Ballast Regulator; Ballast Tamber Multi-purpose; Boxman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttle-car; Tie Spacer; Towermobile

Group 5: Compressor Operator (over 2); Concrete Mixers (over 2 yard); Concrete Pumps or Pumpcrete guns; Generators; Grouting Machine; Press-weld (air operated); Pumps (over 2); Welding Machines (powered other than by electricity)

POWER EQUIPMENT OPERATORS (Cont'd)
(Areas I and II) (Cont'd)

Group 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Wagon Drills or Jackhammers); Gradesetter; Grade Checker (mechanical or other-wise); Highline Cableway Signalman; Locomotives (steam or over 30 tons); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete); (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burn, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine; Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small rubber tired Tractor; Surface Heater

Group 7: Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-hammer (or similar); Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without compressor combination; Pavement Breaker, truck mounted with compressor combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled Elevating Grade Plane; Slusher Operator; Small tractor (with boom); Soil Tester; Truck type loader; Instrumentman

Group 8: Armor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Dozer; Heading Shield Operator; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yards); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber tired earth moving equipment (up to and including 45 cu. yds. "struck" m.r.c.); Euclids, T-Pulls, DW-10, 20, 21 and similar; Rubber tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar pugmill equipment)

POWER EQUIPMENT OPERATORS (Cont'd)
(Areas I and II) (Cont'd)

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (Gunitel); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Carry-lift or similar; Chemical Grouting Machine; truck mounted; Combination Backhoe and Loader (up to and including 1/2 cu. yd. m.r.c.); Derrick (2 operators required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-more Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill (including caisson foundation work and Euclid Loader and similar type; Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine; (Vagborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive (100 tons) (single or multiple units); Multiple engine earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-stress Wire Wrapping Machine; Reservoir-debris tug (self-propelled floating); Rubber-tired Scraper, self-loading (paddle wheels, etc.); Shuttle Car (reclaim station); Single engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, compressor drill combination; Track Laying type earth moving machine (single engine with Tandem Scrapers); Train Loading Station; Trenching Machine, multi-engine with sloping attachment, Jeffco or similar; Vacuum Cooling Plant; Whirley Crane up to and including 25 tons); Chief of Party

Group 10-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); Backhoe (cable) (up to and including 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 3/4 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and including 1 cu. yd.) (Crane attached); cranes (not over 25 tons, Hammerhead and Gantry); Gralls (up to and including 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and including 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled boom-type lifting device (center-mount) (over 10 tons); Rubber-tired Scraper, self-loading (paddle wheel twin engine); CMI Dual Lane Auto Grader SP30 or similar

POWER EQUIPMENT OPERATORS (Cont'd)
(Areas I and II) (Cont'd)

Group 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Trimmer; Canal Trimmer w/ditching attachments; Cranes (over 25 tons up to and including 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (including crane); Drott Travelift 650-A-1 or similar (45 tons or over); Euclid Loader when controlled from the Pulicat; Highline Cableway (over 5 tons); Loader (over 4 yds. up to and including 12 cu. yds.); Miller Formless M900 Sloper Paver or similar; Power blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. m.r.c.); Rubber tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine rubber-tired earthmoving machines (with Tandem Scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile, including rail mounted; Trencher (pulling attached shield); Universal Liebherr and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Crane (over 25 tons)

Group 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and including 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds. m.r.c.); Rubber Tired multi-purpose earth moving machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel Excavator (over 750 cu. yds. per hour)

Group 11-B: Loader (over 18 cu. yds.)

Group 11-C: Operator of Helicopter (when used in erection work); Remote controlled Earthmoving equipment

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS				
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or Manhaul Driver; Concrete Pump Machine; Concrete Pump Truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Escort or Pilot Car Driver; Nipper Truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team Drivers; Trucks (dry pre-batch Concrete Mix, under 4 yds. water level)	\$10.725	\$1.395	.75	\$1.00
TEAMSTER Oiler and/or Greaser	10.80	1.385	.75	1.00
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (debris box 4 yds. and under 6 yds. water level); Single unit flat rack (2 axle unit); Industrial Lift truck (mechanical tailgate); Trucks (dry pre-batch concrete mix, 4 yds. and				

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS (Cont'd)				
JETTING TRUCK and WATER TRUCK (under 2,500 gallons)	\$10.835	\$1.395	.75	\$1.00
ROAD OIL TRUCK OR BOOT Man	10.845	1.395	.75	1.00
LIFT JITNEYS, Fork Lift	10.855	1.395	.75	1.00
TRANSIT MIX, AGITATOR (under 6 yds.)	10.875	1.395	.75	1.00
FUEL AND/OR GREASE TRUCK Driver or Fuelman	10.89	1.395	.75	1.00
VACUUM TRUCK under (3,500 gallons)	10.905	1.395	.75	1.00
SCISSOR TRUCK: Single unit flat rack (3 axle unit); Industrial Lift Truck (mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	10.92	1.395	.75	1.00
JETTING TRUCK & WATER TRUCK (2,500 gallons under 4,000 gallons)	10.935	1.395	.75	1.00
COMBINATION WINCH TRUCK WITH HOIST; Transit, Mix Agitator (6 yds. and under 8 yds.)	10.975	1.395	.75	1.00
VACUUM TRUCK (3,500 gallons and under 5,500 gallons)	10.985	1.395	.75	1.00

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd)				
RUBBER-TIRED MUCK CAR (not self-loaded)	\$10.995	1.395	.75	\$1.00
BULK CEMENT SPREADERS (w/wo auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (debris box, 6 yds. and under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level)	11.02	1.395	.75	1.00
A-FRAME, WINCH TRUCKS; Buggymobile; Jetting and water truck (4,000 gals. and under 5,000 gals); Rubber tired Jumbo	11.035	1.395	.75	1.00
HEAVY DUTY TRANSPORT (high bed)	11.04	1.395	.75	1.00
ROSS HYSTER and SIMILAR STRADDLE CARRIER	11.065	1.395	.75	1.00
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	11.075	1.395	.75	1.00
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	11.085	1.395	.75	1.00
JETTING TRUCK & WATER TRUCK (5,000 gals. and under 7,000 gals.)	11.135	1.395	.75	1.00

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd)				
COMBINATION BOOTMAN and ROAD OILER	\$11.165	1.395	.75	\$1.00
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	11.175	1.395	.75	1.00
BULK CEMENT SPREADER (w/wo auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (8 yds. and including 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and including 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level)	11.26	1.395	.75	1.00
HEAVY DUTY TRANSPORT (Gooseneck Lowbed)	11.27	1.395	.75	1.00
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	11.275	1.395	.75	1.00

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appt. Tr.
AMMONIA NITRATE DISTRIBUTOR DRIVER and Mixer; Bulk Cement Spreader (w/wo auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and including 18 yds. water level)	\$11.30	\$1.395	.75	\$1.00	
DOUBLE GOOSENECK (7 or more axles); Heavy Duty Transport Tiller Man	11.32	1.395	.75	1.00	
P.B. OR SIMILAR TYPE SELF-LOADING TRUCK	11.36	1.395	.75	1.00	
TRANSIT MIX AGITATOR (over 14 yds. through 16 yds.)	11.375	1.395	.75	1.00	

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TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appt. Tr.
BULK CEMENT SPREADER (w/wo auger, over 18 yds. and including 24 yds. water level); Combination dump and dump trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (debris box, over 17 yds. and including 24 yds. water level); Transit Mix Agitator (over 12 yds. through 15 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. and including 24 yds. water level)	\$11.405	\$1.395	.75	\$1.00	

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vocation		
TRUCK DRIVERS: (Cont'd)					
BULK CEMENT SPREADER (w/wo auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar Cat type, Terra Cobra, Letourneapulis, Tournarocker, Euclid and similar type equipment when pulling fuel and/or grease trailers or other misc. trailers; Skids (debris box, over 24 yds. and including 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. and including 35 yds. water level)	\$11.46	\$1.395	.75	\$1.00	
	11.395	1.395	.75	1.00	
TRUCK REPAIRMAN					

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS: (Cont'd)				
BULK CEMENT SPREADER (w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level)	\$11.61	\$1.395	.75	\$1.00
DW 10's, 20's, 21's and other similar Cat type, Terra Cobra, Lefourneau Pulls, Tournorocker, Euclid and similar type equipment when pulling Aqua/Pak or water tank trailers	11.71	1.395	.75	1.00

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocation	
TRUCK DRIVERS: (Cont'd)				
BULK CEMENT SPREADER (w/wo auger, over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level)	\$11.76	.75	\$1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (debris box, 65 yds. and including 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. and including 80 yds. water level)	11.91	.75	1.00	

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocation	
TRUCK DRIVERS: (Cont'd)				
BULK CEMENT SPREADER (w/wo auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (debris box, over 80 yds. and including 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. and including 95 yds. water level)	\$12.06	.75	\$1.00	
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).				

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (Cont'd)

Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.E. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the
Eastern boundary of the State of California,
Thence Northwesterly, thence Northerly along the Eastern boundary
of the State of California to the N.E. corner of township 17N,
range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 27N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E.
corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

*AREA 1: All areas included in the description defined below
which is based upon township and range lines of Areas 1 and 2.
Commencing in the Pacific Ocean on the extension of the Southerly
line of Township 19S.

Thence Easterly along the Southerly line of Township 19S, crossing
the Mt. Diablo meridian to the S.W. corner of township 19S, range
6E, Mt. Diablo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.W. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E,
Thence Easterly to the S.W. corner of township 24S, range 19E,
falling on the Southerly line of Kings County, thence Easterly
along the Southerly boundary of Kings County and the Southerly
boundary of Tulare County, to the S.E. corner of township 24S,
range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crossing the Mt. Diablo baseline to the N.E.
corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS FOR
POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd)

Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner
of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E. corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence northerly crossing the Humboldt baseline to the S.W.
corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner
of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, range 1E,
Thence Westerly along the Northerly line to township 10N, into the
Pacific Ocean.

AREA 1 also includes that portion of Northern California included
within the following line:

Commencing at the Northerly boundary of the State of California
at the N.W. corner of township 48N, range 7W, Mt. Diablo base-
line and Meridian:

Thence Southerly to the S.E. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, range 6W,
Thence Northerly to the N.E. corner of township 48N, range 5W,
on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of
California to the point of beginning.

**AREA 2: All areas not included within AREA 1 as defined.

CALIFORNIA
AREA DEFINITIONS FOR
POWER EQUIPMENT OPERATORS (Cont'd)

AREA 1: (Cont'd)

Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Southerly to the N.W. corner of township 14N, range 7W,
Thence Westerly to the S.E. corner of township 15N, range 8W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Southerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 18N, range 12W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the
Pacific Ocean excluding that portion of Northern California
within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo
baseline and Meridian:

Thence in a Southerly direction to the S.W. corner of township 7S,
range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S,
range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S,
range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S,
range 3E, to the point of beginning which portion is a part of
Area 2.

AREA 1 also includes that portion of Northern California within the
following lines:

Commencing in the Pacific Ocean on an extension of the Southerly line
of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N, to the S.W.
corner of township 2N, range 1W,

SUPPERSEDEAS DECISION

STATE: Montana

COUNTIES: Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley
 DATE: Date of Publication
 Supersedes Decision No. MT79-5106 dated July 27, 1979, in 44 FR 44408

DECISION NUMBER: MT80-5113

DESCRIPTION OF WORK: Residential Projects (consisting of single family homes and apartments up to and including 4 stories)

DECISION NO. MT80-5113

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	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ELECTRICIANS:						
Cascade County:	\$14.40	.65	38+.75		1/28	
Electricians	15.12	.65	38+.75		1/28	
Cable Splicers						
Glacier County:						
Electricians	12.90	.65	38+.75		1/28	
Cable Splicers	13.20	.65	38+.75		1/28	
Deer Lodge and Silver Bow Counties	12.75	.65	38+.50		1/28	
Hill and Valley Counties:						
Contracts under \$75,000:						
Electricians	13.25	.65	38+.75		1/28	
Cable Splicers	13.91	.65	38+.75		1/28	
Contracts over \$75,000:						
Electricians	14.40	.65	38+.75		1/28	
Cable Splicers	15.12	.65	38+.75		1/28	
Missoula County:						
Electricians	12.20	.65	38+.50		1/28	
Cable Splicers	12.80	.65	38+.50		1/28	
Gallatin county	11.95	.50	38+.25		1/28	
ELEVATOR CONSTRUCTORS	12.38	1.045	.82	a	.035	
IRONWORKERS:						
Structural; Ornamental and Reinforcing:						
Glacier and Missoula Counties	13.66	.93	1.70		.10	
Remaining Counties	12.00	.75	1.35		.15	
MARBLE MASONS:						
Missoula County	10.65	.60	.55		.05	
Gallatin County	11.70		.55		.05	
Hill and Valley Counties	11.35	.55	.55		.05	
Cascade and Glacier Cos.	11.15	.70	.55		.05	
PAINTERS:						
Cascade, Glacier and Valley Counties:						
Brush	10.62	.56	.40		18	
Paperhanger	11.12	.56	.40		18	
Brush on Steel	11.12	.56	.40		18	
Spraying; Sandblasting	12.87	.56	.40		18	
Gallatin County:						
Brush	10.69	.51	.35		.03	
Silver Bow County:						
Brush	10.69	.51	.35		.03	
Missoula County	8.92	.49	.40		.04	
Hill County	9.78					

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
PLASTERERS: Deer Lodge and Silver Bow Counties Missoula County	\$12.00 10.50	.50 .35	\$1.00		
PLUMBERS: Cascade, Glacier, Hill and Valley Counties Missoula County Remaining Counties	.75 14.28 14.05	1.10 .70 .85			.15 .15 .10
ROOFERS: Cascade, Glacier, Hill and Valley Counties Deer Lodge and Silver Bow Counties	10.75 9.75 11.01 10.00		.75		
SHEET METAL WORKERS: Gallatin County Cascade, Glacier and Hill Counties	.62 .55	.60 .40			.02
SHEET METAL WORKERS: Deer Lodge and Silver Bow Counties	12.88	.75			.15
SPRINKLER FITTERS: Missoula County Valley County	13.19 13.56 13.00	.48 .50 .73			.04 .12 .23
TERRAZZO and TILE SETTERS: Missoula County Cascade and Glacier Cos. Gallatin County	13.83 11.55 11.90 12.60	3¢+.805 1.20 .55 .75			
WELDERS: Receive rate for craft.					

FOOTNOTE:

a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
LABORERS: Hill and Valley Counties: Group 1 Group 2 Group 3 Group 4 Group 5 Group 6	\$ 9.30 9.40 9.55 9.70 9.80 10.05	.53 .53 .53 .53 .53 .53			.05 .05 .05 .05 .05 .05
Missoula County: Group 1 Group 2 Group 3	9.32 9.57 9.72	.53 .53 .53			.05 .05 .05
Cascade and Glacier Cos.: Group 1 Group 2 Group 3 Group 4 Group 5	8.60 8.76 8.85 9.10 9.20	.53 .53 .53 .53 .53			.05 .05 .05 .05 .05
Gallatin County: Group 1 Group 2 Group 3 Group 4 Group 5	8.13 8.29 8.39 8.63 8.73	.53 .53 .53 .53 .53			.05 .05 .05 .05 .05
Deer Lodge and Silver Bow Counties: Group 1 Group 2 Group 3 Group 4 Group 5	7.96 8.16 8.21 8.46 8.56	.53 .53 .53 .53 .53			.05 .05 .05 .05 .05

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LABORERS
Hill and Valley Counties

Group 1: General and Building Laborers' and Scale Men; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking or concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small Power tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and installers, installation and erection of fences, guard rails, median rails, reference posts, guide post and right-of-way markers

Group 2: Dumpman (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster; Concrete Nozzleman, Placo Operator, Jackhammer, Pavement Breaker; Vibrator (2½ inches and over) Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender, Gunite Nozzleman; Caisson Workers (free air); Tunnels and Shafts (free air); Bull Gang; Pot Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders (handling brick and block only)

Group 5: Hod Carriers and Plaster Tenders (men carrying mortar either by hod pail or barrow); High Scaler; Wagon Driller, cat or truck mounted air operated Drills; Asphalt Rakers and Tampers, Gunite, Form Setter (Slab Steel Forms); Stake Setter, Stake Jumper, Rooder and Spreader, Gradedman; Concrete Nozzleman; Miners

Group 6: Powdermen; Lazer Tools and Equipment; Small Concrete Mixers and Concrete Saws

Missoula County

Group 1: General Building and Construction Labor; Scaleman; Watchman; Flagman; Form Strippers; Car and Truck Loaders; Carpenters Tenders; Concrete Handler, conveying and handling concrete, other than concrete classifications listed below

Group 2: Nozzleman (air or water); Sand Blast Tail, Hose Man; Powderman Tender; Power driven Wheelbarrow; Rodger and Spreader; Form setters (paving); Bucketman; Signalman; Rigger; Small Air Tool Operators, including Blow Pipes, small power tool Operators; Chuck Tenders; Asphalt Rakers; Dumpman; Rip Rapping, Pipe Wrapper; Pot Tenders; Concrete Pumpman; Hoseman; Cutting Torch; Jack Hammer; Pavement Breaker; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

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LABORERS (Cont'd)
Missoula County (Cont'd)

Group 3: Pipelayers (non-metallic); Metal Culvert Pipe-layers; Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Mixer Operator, shoring and lagging open ditches; Concrete Saw; Powderman; Drills, Air-trac, Wagon Drill, Cat or Truck mounted air operated drills; Laser Equipment and Tools; Welders; Sand Blaster (wet or dry); Gunnitemen; Barco Tamper

Cascade and Glacier Counties

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketmen and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer, building and structure; Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision, General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzleman (air, water); Gunite and Placo Machine; Pipelayer (all types) Laser Equipment Operator; Pipe-wrapper; Spike Driver, single or dual or hand; Switchman; Tar Pot Operator

Group 3: Asphalt Raker; Concrete Vibrator (3" and over); Drills, Air Track (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzleman; High Scaler; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Welder; Cutting Torch and Air Arc

LABORERS. (Cont'd)
Gallatin County

Group 1: Axeman; Caisson Workers (free air); Car and Truck Loaders; Scissorman; Chuck Tender and Nipper; Concrete Laborers (wet or dry); Bucketmen and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; General Laborers, building and structure, Crusher and Batch plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman;

Group 2: Burning Bar; Cement Handlers; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzlemans - air, water, Gunite and Placo Machine; Pipelayer (all types); Laser equipment Operator; Pipewrapper; Posthole Digger (power Auger); Powderman Tender; Riprigger; Spike Driver, single or dual or hand; Switchmen;

Group 3: Asphalt Raker; Choker Setter; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzlemans; High Scaler; High Pressure Machine Nozzlemans; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper; Vibrating Roller, hand steered and other power tools; Power driven wheelbarrow; Power Saw (bucking); Power Saw (falling); Rigger; Sandblaster; Tar Pot Operator

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Welder, Cutting Torch and Air Arc

LABORERS (Cont'd)
Deer Lodge and Silver Bow Counties

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer - Building and structure, Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblasting Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Houseman; Tool Checker

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Grout, Concrete Pump and Nozzlemans; Hand Faller; Nozzlemans - air, water, Gunite and Placo Machine; Pipelayer (all types); Laser Equipment Operator; Pipewrapper; Posthole Digger (power Auger); Power Saw (bucking); Powderman Tender; Rigger; Riprigger; Spike Driver, single or dual or hand; Switchman; Tar Pot Operator;

Group 3: Asphalt Raker; Concrete Laborers (wet or dry); Bucketmen and Signalmen; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; High Scaler; High Pressure Machine Nozzlemans; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Vibrating Roller, hand steered and other power tools; Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Welder, Cutting Torch and Air Arc

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS: (Cont'd)					
Concrete Float-Spreader	.75	.65	.45	.07	
Concrete Mixer, three bags and under	.75	.65	.45	.07	
Concrete Mixer, four bags and over	.75	.65	.45	.07	
Concrete Power Saw, self-propelled	.75	.65	.45	.07	
Concrete Travel Batcher	.75	.65	.45	.07	
Concrete Conveyor under 40 feet	.75	.65	.45	.07	
Concrete Conveyor over 40 feet	.75	.65	.45	.07	
Concrete Pump	.75	.65	.45	.07	
Conveyor Loader Operator, up to and including 42' belt	.75	.65	.45	.07	
Conveyor Loader Operator over 42" belt	.75	.65	.45	.07	
Crane, to and including 80' boom	.75	.65	.45	.07	
Crane, 81' to 130' boom	.75	.65	.45	.07	
Crane, 131' to 150' boom	.75	.65	.45	.07	
Crane, 151' boom and over	.75	.65	.45	.07	
Crane Oiler	.75	.65	.45	.07	
Crane with jibs and additional \$.15 per hour	.75	.65	.45	.07	
Crusher	.75	.65	.45	.07	
Crusher Oiler	.75	.65	.45	.07	
Crusher Conveyor, when required	.75	.65	.45	.07	
Distributor	.75	.65	.45	.07	
DW 10, 15, or 20 tractor pulling Roller	.75	.65	.45	.07	
Electric Overhead Cranes	.75	.65	.45	.07	
Elevating Grader	.75	.65	.45	.07	
Farm type tractor up to and including 50 HP engine	.75	.65	.45	.07	
Farm type tractor, over 50 engine	.75	.65	.45	.07	

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS:						
A-Frame Truck Crane, Winch Truck and similar	\$11.30	.75	.65	.45	.07	
Air Compressor, single	10.99	.75	.65	.45	.07	
Air Compressor, two or more	11.16	.75	.65	.45	.07	
Air Doctor	11.46	.75	.65	.45	.07	
Asphalt Paving Machine	11.46	.75	.65	.45	.07	
Asphalt Paving Machine Screed	11.46	.75	.65	.45	.07	
Automatic Finegrader, Gullies and other similar types	11.46	.75	.65	.45	.07	
Belt Finish Machine	11.59	.75	.65	.45	.07	
Bit Grinder	11.16	.75	.65	.45	.07	
Bituminous Mixer Paving, Travel Plant	11.46	.75	.65	.45	.07	
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	11.05	.75	.65	.45	.07	
Boring Machine (large)	11.46	.75	.65	.45	.07	
Broom, self-propelled	11.13	.75	.65	.45	.07	
Cableway Highline	11.97	.75	.65	.45	.07	
Cement Silo	11.25	.75	.65	.45	.07	
Central Mixing Plants, Concrete dam and stationary	11.71	.75	.65	.45	.07	
Chain Bucket Loader	11.18	.75	.65	.45	.07	
Chip or Gravel Spreader, self-propelled	11.18	.75	.65	.45	.07	
Concrete Batch Plant, one and two Mixers	11.46	.75	.65	.45	.07	
Concrete Batch Plant, three and four Mixers	11.66	.75	.65	.45	.07	
Concrete Batch Plant, five Mixers and over	11.86	.75	.65	.45	.07	
Concrete Batch Plant Oiler, up to and including two Mixers	10.98	.75	.65	.45	.07	
Concrete Batch Plant Oiler, three Mixers and over	11.29	.75	.65	.45	.07	
Concrete Bucket Dispatcher	11.46	.75	.65	.45	.07	
Concrete Curing Machine	11.46	.75	.65	.45	.07	
Concrete Finish Machine Paving	11.46	.75	.65	.45	.07	

POWER EQUIPMENT OPERATORS: (Cont'd)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Field Equipment Serviceman	\$11.38	.75	.65	.45	.07
Fireman	11.05	.75	.65	.45	.07
Forklift, on construction					
job site	11.27	.75	.65	.45	.07
Form Grader	11.23	.75	.65	.45	.07
Gradall	11.46	.75	.65	.45	.07
Grade Setter	11.92	.75	.65	.45	.07
Heavy Duty Drill, all types	11.46	.75	.65	.45	.07
Heavy Duty Driller	11.05	.75	.65	.45	.07
Herman-Nelson Heaters and similar type	11.00	.75	.65	.45	.07
Hoist, two or more drums	11.46	.75	.65	.45	.07
Helicopter Hoist	11.96	.75	.65	.45	.07
Hot Plant	11.46	.75	.65	.45	.07
Hot Plant Fireman, when in operation	11.46	.75	.65	.45	.07
Hot Plant Oiler, 100 ton					
per hour or over	10.95	.75	.65	.45	.07
Hydra Lift and similar types	11.35	.75	.65	.45	.07
Industrial Locomotive all classes	11.46	.75	.65	.45	.07
Mechanic and/or Welder on job	11.56	.75	.65	.45	.07
Mixer/mobile	11.54	.75	.65	.45	.07
Motor Patrol	11.59	.75	.65	.45	.07
Mountain Logger or similar type	11.46	.75	.65	.45	.07
Mucking Machine	11.46	.75	.65	.45	.07
Oiler-Driver, Rubber tired					
Cranes	11.03	.75	.65	.45	.07
Oilers, other than Shovels and Cranes	10.95	.75	.65	.45	.07
Oiler, Hoist House, dams	11.36	.75	.65	.45	.07
Pavement Breakers, Emsco and similar	11.46	.75	.65	.45	.07
Paving and Mixing Machine	11.59	.75	.65	.45	.07
Power Auger, large truck or tractor mounted and Punch	11.46	.75	.65	.45	.07

POWER EQUIPMENT OPERATORS: (Cont'd)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Power Mixer, single or double drum	\$11.46	.75	.65	.45	.07
Power Saw, multiple cut, self-propelled	11.46	.75	.65	.45	.07
Pumpcrete or Grout Machine	11.46	.75	.65	.45	.07
Pumpman	10.99	.75	.65	.45	.07
Push Tractor	11.46	.75	.65	.45	.07
Quad Cat	11.76	.75	.65	.45	.07
Quad Loader and similar type	12.04	.75	.65	.45	.07
Radiator Repairman	11.27	.75	.65	.45	.07
Raygo Gaint	12.04	.75	.65	.45	.07
Refrigeration Plant	11.46	.75	.65	.45	.07
Retort	11.05	.75	.65	.45	.07
Roller, on blade or hot mix oil paving	11.46	.75	.65	.45	.07
Roller, on other blade or hot mix paving	11.16	.75	.65	.45	.07
Roller, 25 ton or over	11.46	.75	.65	.45	.07
Ross and similar type Carriers, on construction site	11.46	.75	.65	.45	.07
Rubber-tired Dozer	11.46	.75	.65	.45	.07
Rubber-tired Front End Loader, 1 yard and under	11.17	.75	.65	.45	.07
Rubber-tired Front End Loader, 1 yard to and including 3 yards	11.46	.75	.65	.45	.07
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	11.57	.75	.65	.45	.07
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	11.68	.75	.65	.45	.07
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	11.78	.75	.65	.45	.07
Rubber-tired Front End Loader, over 15 yards	11.88	.75	.65	.45	.07

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.89	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.64	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.99	.75	.65	.45	.07
11.36	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.95	.75	.65	.45	.07
11.66	.75	.65	.45	.07

POWER EQUIPMENT OPERATORS:
(Cont'd)

Track-type Front End Loaders, over 15 cu. yds.
Track-type Tractor w/wo attachments
Track-type Tractor, on Euclid Loader
Trenching Machine
Turnhead Conveyor, or Head
Tower on Batch Plant
Wagner Roller and similar type
Whirley Crane
Whirley Crane Oiler
Water Pull when used for compaction
Washing and Screening Plant
Washing and Screening Plant Oiler
Yo-yo Cat, both ends

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.46	.75	.65	.45	.07
11.84	.75	.65	.45	.07
11.59	.75	.65	.45	.07
11.69	.75	.65	.45	.07
11.95	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.64	.75	.65	.45	.07
11.91	.75	.65	.45	.07
12.04	.75	.65	.45	.07
10.95	.75	.65	.45	.07
11.36	.75	.65	.45	.07
11.59	.75	.65	.45	.07
11.91	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.69	.75	.65	.45	.07
11.79	.75	.65	.45	.07

POWER EQUIPMENT OPERATORS:
(Cont'd)

Scraper, DW 15, 20, 21 and similar type if power unit is not used
Scraper, single or twin engine pulling Belly Dump Trailer
Scraper, single engine
Scraper, twin engine
Scraper, tandem engine or 3 engine
Self-propelled Sheepfoot and similar type
Shovels, including all attachments, under 1 cu. yd.
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.
Shovels, including all attachments over 5 cu. yds.
Shovel Oiler, 3 yds. and under
Shovel Oiler, over 3 cu. yds.
Slip Form Paver
Stiff Leg Derrick and Guy Derrick
Track-type Front End Loaders, up to and including 5 cu. yds.
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vocation		
TRUCK DRIVERS					
COMBINATION TRUCK; Concrete Mixer and Transit Mixer: To & including 4 cu. yds. Over 4 cu. yds. to and including 6 cu. yds. Over 6 cu. yds. to and including 8 cu. yds. Over 8 cu. yds. to and including 10 cu. yds.	\$10.34 10.42 10.50 10.58	.77 .77 .77 .77			
Over 10 cu. yds.-additional \$.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER	10.32	.77			
DRY BATCH TRUCKS:					
3 Batch or under	10.09	.77			
Over 3 Batch to and including 5 Batch	10.22	.77			
Over 5 Batch to and including 10 Batch	10.38	.77			
Over 10 Batch to and including 15 Batch	10.54	.77			
Over 15 Batch-additional \$.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	10.19	.77			
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters	10.09	.77			

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vocation		
TRUCK DRIVERS: (Cont'd)					
DUMP TRUCKS AND SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:					
Water Level Capacity, including Sideboards: 7 cu. yds. or less	\$10.09	.77			
Over 7 cu. yds. to and including 10 cu. yds.	10.22	.77			
Over 10 cu. yds. to and including 15 cu. yds.	10.38	.77			
Over 15 cu. yds. to and including 20 cu. yds.	10.52	.77			
Over 20 cu. yds. to and including 25 cu. yds.	10.58	.77			
Over 25 cu. yds. to and including 30 cu. yds.	10.64	.77			
Over 30 cu. yds. to and including 35 cu. yds.	10.70	.77			
Over 35 cu. yds. to and including 40 cu. yds.	10.76	.77			
Over 40 cu. yds. to and including 45 cu. yds.	10.82	.77			
Over 45 cu. yds.-additional \$.10 per hour each additional 5 cu. yds. increment					
DUMPSTERS	10.22	.77			
POWER TRUCK DRIVER (bulk unloader type)	10.27	.77			
FLAT TRUCKS: To and including 3 tons Over 3 tons factory rating	10.24 10.44	.77 .77			

SUPERSEDES DECISION

STATE: Montana

COUNTIES: Statewide

DECISION NUMBER: MT80-5112

DATE: Date of Publication

Supersedes Decision No. MT79-5129 dated August 17, 1979, in 44 FR 48570

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DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd)					
FUEL TRUCK DRIVERS; TIREMEN	\$10.68	.75	.77		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	10.44	.75	.77		
LUMBER CARRIERS, LIFT TRUCKS and FORK LIFTS	10.34	.75	.77		
POWER BOOM	10.18	.75	.77		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	10.09	.75	.77		
Over 2,500 gallons to and including 4,500 gallons	10.38	.75	.77		
Over 4,500 gallons to and including 6,000 gallons	10.58	.75	.77		
Over 6,000 gallons to and including 8,000 gallons	10.64	.75	.77		
Over 8,000 gallons to and including 10,000 gallons	10.72	.75	.77		
Over 10,000 gallons - additional \$.10 per hour each additional 2,000 gallons increment					
TRUCK MECHANIC	11.08	.75	.77		
TRUCKS with power equipment if under Teamster jurisdiction, such as: Winch, A-Frame Truck, Swedish Crane, Hydraulic, Grout-crete Truck and Combination Mulching, Seeding and Fertilizing Truck	10.34	.75	.77		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	\$14.64	.72	\$1.30		.04
BOILERMAKERS	12.30	.85	1.00		.02
BRICKLAYERS:					
Beaverhead, Jefferson (except northern tip of County), Madison and Silver Bow Counties	12.45		.55		
Gallatin and Park Counties	12.60		.55		.05
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweet Grass, Stillwater, Treasure, Wibaux and Yellowstone Counties	13.45		.55		
Broadwater and Lewis and Clark and Meagher Counties	11.65	.60	.30		
Deer Lodge, Powell and Granite Counties	12.40		.55		.05
Cascade, Chouteau, Glacier, Pondera and Teton Cos.	11.90	.70	.75		
Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole and Valley Cos.	11.95	.75	.75		
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Cos.	11.55	.65	.55		
Fergus, Garfield, Golden Valley, Judith-Basin, Musselshell, Petroleum and Wheatland Counties	11.00				
CARPENTERS:					
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Liberty, Meagher, Pondera, Teton and Toole Counties:					
Carpenters	10.65	.80	.75		.02
Piledrivers; Saw Filers; Sawmen	10.90	.80	.75		.02
Millwrights	11.65	.80	.75		.02

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CARPENTERS: (Cont'd)					
Blaine and Hill Counties:					
Carpenters	\$10.43	.80	.75		.02
Millwrights	11.43	.80	.75		.02
Piledrivers	10.68	.80	.75		.02
Broadwater, Lewis and Clark and Jefferson Cos.:					
Carpenters	10.49	.80	.75		.02
Piledrivermen	10.74	.80	.75		.02
Millwrights	11.49	.80	.75		.02
Deer Lodge, Granite (all area lying south of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County) and Powell (area lying south of the N.E. corner of Granite County) Counties:					
Carpenters	10.87	.80	.75		.02
Piledrivers	11.12	.80	.75		.02
Millwrights	11.12	.80	.75		.02
Granite (area lying north of a line running due east from the N.W. cor- ner of Granite County to the N.E. corner of Granite County) Lake (southern area, south of and including the Town of Ravalli), Mineral (area southeast of Southeast City limits of the Town of Superior), Missoula, Powell (area lying north of the N.E. corner of Granite County), Ravalli and Sanders (southeastern portion) Counties:					
Carpenters	10.53	.80	.75		.02
Millwrights; Piledriver	11.58	.80	.75		.02

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
CARPENTERS: (Cont'd)					
Carter, Custer, Daniels, Dawson, Fallon, McCone, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley and Wilboux Counties; and Fort Peck Project:					
Carpenters	.80	.75			.02
Piledrivers	.80	.75			.02
Millwrights	.80	.75			.02
Flathead, Lincoln, Lake (northern area including Town of Ravalli from a point where Highway #10A and Highway #93 intersect), Mineral (northern area including the Town of Superior), Sanders (except S.E. corner portion) Counties:					
Carpenters	10.48	.75			.02
Sawmen; Filers, pile-drivers; Carpenters working burned, charred, creosoted or similar treated material	10.73	.75			.02
Millwrights and Machine Erectors	11.48	.75			.02
Big Horn, Carbon, Garfield, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Treasure, Wheatland and Yellowstone Counties:					
Carpenters	10.38	.75			.02
Floor Sander; Sawmen	10.58	.75			.02
Piledriver	10.53	.75			.02
Millwrights	11.38	.75			.02

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)				
Beaverhead and Silver Bow Counties:				
Carpenters	.80	\$1.00	.75	.04
Millwrights and pile-driver	.80	1.00	.75	.04
Gallatin, Madison, Park and Sweet Grass Counties:				
Carpenters	.80	.75		.02
Millwrights	.80	.75		.02
Piledrivermen	.80	.75		.02
CEMENT MASONS:				
Beaverhead, Deer Lodge, Granite (southern half), Jefferson (southern area including Town of Wickes), Madison, Powell (south portion including the Town of Deer Lodge) and Silver Bow Counties	1.00	.50	1.00	
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland and Yellowstone Counties	9.90	.25		
Blaine, Cascade, Chouteau, Hill, Liberty, Pondera, Teton and Toole Counties	10.60			
ELECTRICIANS:				
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	12.75	38+.50		1/28
Big Horn, Carter, Carbon, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wibaux and Yellowstone Counties:	12.82	38+.50		1/28
Electricians	13.27	38+.50		1/28
Cable Splicers				

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ELECTRICIANS: (Cont'd)				
Blaine, Chouteau, Daniels, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Petroleum, Pondera, Phillips, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland Counties:				
Contracts under \$75,000				
Electricians	.65	38+.75		1/28
Cable Splicers	.65	38+.75		1/28
Contracts over \$75,000:				
Electricians	.65	38+.75		1/28
Cable Splicers	.65	38+.75		1/28
Broadwater, Lewis and Clark and Meagher Cos.:				
Electricians	.65	38+.50		1/28
Cascade County:				
Electricians	.65	38+.75		1/28
Cable Splicers	.65	38+.75		1/28
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Cos.:				
Electricians	.45	38+.50		1/28
Cable Splicers	.45	38+.50		1/28
Gallatin County:				
Electricians	.50	38+.50		1/28
Park and Sweet Grass Cos.:				
Electricians	.50	38+.50		1/28
ELEVATOR CONSTRUCTORS	1.045	.82	a	.035
IRONWORKERS:				
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, (southern half including Wolf Creek), Madison, Park, Powell, Ravalli and Silver Bow Counties				
	.75	1.35		.15

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
IRONWORKERS: (Cont'd)				
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Counties	.93	\$1.70		.10
Remaining Counties (including northern half of Lewis and Clark County)	.75	1.35		.15
MARBLE MASONS:				
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	.60	.55		.05
Beaverhead, Jefferson (except northern tip of County), Madison and Silver Bow Counties		.55		
Fergus, Garfield, Golden Valley, Musselshell, Petroleum and Wheatland Counties	.75	.55		.05
Gallatin and Park Counties				
Broadwater, Lewis and Clark, Meagher and Jefferson (northern area) Counties	.60	.30		
Cascade, Chouteau, Glacier, Pondera and Teton Cos.	.70	.75		
Deer Lodge, Granite and Powell Counties		.55		.05
Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole and Valley Counties	.75	.75		

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
PAINTERS:				
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wibaux and Yellowstone Counties:				
Brush or Roller	.56	.20		
Steel (brush or roller)	.56	.20		
Spray (not steel)	.56	.20		
Cascade, Chouteau (south of a line running east and west through the southern limits of Big Sandy), Daniels, Fergus, Glacier (excluding Glacier National Park), Garfield, Judith-Basin, Lewis and Clark, (northern portion from a line running east and west through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland (Northern area from a line running east and west through the southern limits of Harlowtown) Counties:				
Brush; Preparatory work; Pot Tender; Parking Lot Striping and related work; Roller up to 9" Paperhanger, Brush on Steel	10.62	.40		18
	11.12	.40		18

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
PAINTERS: (Cont'd) Broadwater, Gallatin, Jefferson (northern area from a line running east and west five miles south of the southern City limits of Boulder), Lewis and Clark (southern portion from a line running east and west through the southern limits of Craig), Park, Powell (southern area from a line running east and west through the southern City limits of Helmsville), Silver Bow County, south part of Jefferson County, from a line running due west from the south limits of Tosten, south part of Broadwater County, from a line running east and west through the north limits of Tosten, the west part of Madison County, from a line running north and south through the west limits of Harrison in Beaverhead County: Painter, Brush; Preparatory work; Pot Tender Paper or vinyl hanger Perfa-taping Blaine, Hill, Liberty and Chouteau (north of the southern limits of the City of Big Sandy) Cos.				
\$10.69	.51	.35		.03
10.69	.51	.35		.03
11.19	.51	.35		.03
9.78				

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
PAINTERS: (Cont'd) Water and Sandblasting; Application of cold tar products, epoxies and polyurethanes and acid resistant paints; Spraying and airless spray Roller over 9" long Taper Machine Taper Deer Lodge County and the southern part of Granite County from a line east-west through the southern limits of Phillipsburg: Painters Perfataper Paint Mitts Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water sandblasting and steam cleaning; Stacks and steeples; Brushing of steel; Spraying and airless spraying; Work over 30 feet				
\$12.87	.56	.40		18
14.22	.56	.40		18
11.02	.56	.40		18
12.27	.56	.40		18
9.52				
9.77				
10.02				
12.30				

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
PAINTERS: (Cont'd) Flathead, Granite (northern area north limits of Phillipsburg), Lake (southern area including the City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli and Sanders County	\$11.15	.49	.40		.04
PLASTERERS: Granite, Lake (southern area, including the City of Pablo), Mineral, Missoula, Powell (northern area including the City of Helmsville), Ravalli and Sanders (south portion, including the City of Paradise), Counties of Beaverhead, Deer Lodge, Jefferson (southern area, including the town of Wickes), Madison, Powell (south of a line running east-west north of the Town of Deer Lodge) and Silver Bow Counties	10.50	.75	.35		
PLUMBERS: Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	12.00	1.00	.50	1.00	
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton and Valley Counties	14.28	.75	.70		.15
	13.85	.75	1.10		.15

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
PLUMBERS: (Cont'd) Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweet Grass Counties	\$14.05	.70	.85		.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	14.20	1.00	.90		.10
ROOFERS: Waterproofers: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Richland, Rosebud, Stillwater, Treasure, Wibaux and Yellowstone Counties	10.54	.25			
Blaine, Cascade, Chouteau, Daniels, Fergus, Garfield, Glacier, Hill, Judith-Basin, Liberty, McCone, Petroleum, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole and Valley Counties	10.75				
Deer Lodge, Powell and Silver Bow Counties	9.75	.62	.60	.75	
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders and Lewis and Clark Counties	11.01	.75	.40		.02

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
ROOFERS; Waterproofers: (Cont'd) Broadwater, Gallatin, Meagher, Park, Sweet Grass, Lewis and Clark, Beaverhead, Jefferson, Madison and Wheatland Counties	.55				
SHEET METAL WORKERS: Broadwater, Jefferson (in- cluding north half of the City of Boulder), Lewis and Clark and Meagher Counties	.73	.66			.12
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Cos. Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	.69	.50			.12
Blaine, Cascade, Chouteau, Glacier, Hill, Judith- Basin, Liberty, Pondera, Teton and Toole Counties Beaverhead, Deer Lodge, Granite, Jefferson (southern half), Madison, Powell and Silver Bow Counties	.73	38+.805			.24
SPRINKLER FITTERS	.68	.75			.15
	.69	.48			.04
	.85	1.20			

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
TERRAZZO WORKERS and TILE SETTERS: Broadwater, Lewis and Clark, Meagher and Jefferson (northern area north of Boulder Hill) Counties	.60	.30			
TILE SETTERS: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweet Grass, Stillwater, Treasure, Wibaux and Yellowstone Counties		.55			
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Cos. Gallatin and Park Cos. Cascade, Chouteau, Glacier, Pondera and Teton Cos.	.65	.55			.05
WELDERS: Receive rate for craft.	.70	.75			

FOOTNOTE:

a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as vacation pay credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS:

Beaverhead, Deer Lodge, Madison, Powell, Silver Bow and that portion of Jefferson County within the territorial limits of District No. 2

Group 1

Group 2

Group 3

Group 4

Group 5

Broadwater, Lewis and Clark Meagher, north half of Jefferson County including the City of Boulder; that portion of Powell County lying east of a north-south line at west edge of the Town of Elliston

Group 1

Group 2

Group 3

Group 4

Group 5

Broadwater (that portion lying south of an east-west line north of the City of Tosten), Gallatin, Madison (that portion lying east of the Gravely Mountain Range), Park, Sweet Grass and Wheatland Counties:

Group 1

Group 2

Group 3

Group 4

Group 5

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 7.96	.62	.53		.05
8.16	.62	.53		.05
8.21	.62	.53		.05
8.46	.62	.53		.05
8.56	.63	.53		.05
8.39	.62	.53		.05
8.55	.62	.53		.05
8.64	.62	.53		.05
8.89	.62	.53		.05
8.99	.62	.53		.05
8.13	.62	.53		.05
8.29	.62	.53		.05
8.39	.62	.53		.05
8.63	.62	.53		.05
8.73	.62	.53		.05

LABORERS

Beaverhead, Deer Lodge, Madison, Powell, Silver Bow and that portion of Jefferson County within the territorial limits of District No. 2

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders; Scissorman; Chuck Tender and Nipper (above ground); Cosmoline, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer - Building and structure, Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblasting Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Houseman; Tool Checker

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Grout, Concrete Pump and Nozzleman; Hand Faller; Nozzleman - air, water, Gunite and Placo Machine; Pipelayer (all types) Laser Equipment Operator; Pipewrapper; Posthole Digger (power Auger); Power Saw (bucking); Powderman Tender; Rigger; Riprapper; Spike Driver, single or dual or hand; Switchman; Tat Pot Operator;

Group 3: Asphalt Raker; Concrete Laborers (wet or dry); Bucketmen and Signalmen; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; High Scaler; High pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Vibrating Roller, hand steered and other power tools; Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Welder, Cutting Torch and Air Arc

LABORERS (Cont'd)

Broadwater, Lewis and Clark, Meagher, north half of Jefferson County including the City of Boulder; that portion of Powell County lying east of a north-south line at west edge of the Town of Elliston

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders; Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborer (wet or dry); Bucketman and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer, building and structure; Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision, such as radiant type or butane fire, without blowers or fans, General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Housemen

Group 2: Burning Bar; Cement Handlers; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzleman - Air, water, Gunite and Placo Machine; Pipelayer (all types); Laser Equipment Operator; Pipewrapper; Posthole Digger (power auger); Powderman Tender; Riprapper; Spike Driver, single or dual or hand; Switchmen

Group 3: Asphalt Raker; Choker Setter; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzlemen; High Scaler; High Pressure Machine Nozzlemen; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Vibrating Roller, hand steered and other power tools; Power driven wheelbarrow; Power Saw (bucking); Power Saw (falling); Rigger; Sandblaster; Tar Pot Operator

Group 4: Cement Mason Tender and Hod Carriers; Powdermen

Group 5: Core Drill Operator; Welder, Cutting Torch and Air Arc

LABORERS (Cont'd)

Broadwater (that portion lying south of an east-west line north of the City of Tosten), Gallatin, Madison (that portion lying east of the Gravely Mountain Range), Park and Wheatland Counties

Group 1: Axeman; Caisson Workers (free air); Car and Truck Loaders; Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketmen and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborers, building and structure, Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman;

Group 2: Burning Bar; Cement Handlers; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzleman - air, water, Gunite and Placo Machine; Pipelayer (all types); Laser equipment Operator; Pipewrapper; Posthole Digger (power Auger); Powderman Tender; Riprapper; Spike Driver, single or dual or hand; Switchmen;

Group 3: Asphalt Raker; Choker Setter; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzleman; High Scaler; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper; Vibrating Roller, hand steered and other power tools; Power driven Wheelbarrow; Power Saw (bucking); Power Saw (falling); Rigger; Sandblaster; Tar Pot Operator

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Welder, Cutting Torch and Air Arc

Laborers (Cont'd)
Flathead, Glacier National
Park, Lincoln and that
area of Lake and Sanders
Counties lying 5 miles
north of the 5th Parallel:

Group 1
Group 2
Group 3

Carter, Custer, Dawson,
Fallon, Powder River,
Prairie and Wibaux Cos.:

Group 1
Group 2
Group 3

Big Horn, Carbon, Golden
Valley, Musselshell,
Rosebud, Stillwater,
Treasure and Yellowstone
Counties:

Group 1
Group 2
Group 3

Granite, Lake (southern
area), Mineral, Missoula,
Ravalli and Sanders
(southern area) Counties:

Group 1
Group 2
Group 3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.35	.62	.53		.05
9.50	.62	.53		.05
9.65	.62	.53		.05
8.85	.62	.53		.05
9.07	.62	.53		.05
9.25	.62	.53		.05
9.00	.62	.53		.05
9.22	.62	.53		.05
9.25	.62	.53		.05
9.32	.62	.53		.05
9.57	.62	.53		.05
9.72	.62	.53		.05

LABORERS (Cont'd)
Flathead, Glacier National Park, Lincoln, and that portion
of Lake and Sanders Counties lying 5 miles north of the 5th
Parallel

Group 1: General Laborers; Scaleman; Form Strippers; Car
and Truck Loaders

Group 2: Concrete Handlers, conveying and handling concrete;
Nozzlemen (air or water); Sand Blast Tail Hose Man; Power
driven Wheelbarrow; Rodder and Spreader; Form Setters (paving);
Bucketman; Small air tool Operators, including Blow Pipe and
small power power tool Operators; Chuck Tender; Asphalt Rakers;
Dumpman; Rip Rapping; Pipe Wrapper; Pot Tender; Concrete Pumper
Hoseman; Jackhammer; Pavement Breaker; Vibrator; Mechanical Tam-
per and other air tools; Cement Handlers (sack or bulk); Burning
Bar

Group 3: Pipe Layers (non-metallic); Metal Culvert Pipe Layer;
Mason and Plaster Tenders; Cement Finisher Tender; Small Con-
crete Mixer Operator; Shoring and Lagging open ditches; Powder-
man; Drills, Air-trac, Wagon Drill, cat or truck mounted air
operated Drills, Sand Blaster (wet or dry); Guniting Nozzleman;
Barco Tamper

Carter, Custer, Dawson, Fallon, Powder River,
Prairie and Wibaux Counties

Group 1: Axeman; Car and Truck Loaders (weighing loaded trucks);
Cosmoline, applying and removing; Concrete Laborer; Chucktenders
and Nippers; Crusher Laborer; Equipment Handlers (truck, bobcats);
Flagman, watchman; Form Stripper; General Laborer; Hand Faller;
Landscape Laborer; Riprap Tender; Rodman; Scaleman; Scissorman;
Stake Jumper; Tool Checker; Toolhouse Man

Group 2: Applicator, hand or nozzle (applying hot pr active
material or oil or asphalt base); Asphalt Raker; Barco Tamper;
Caulker, Colarman, Jointer, Mortarman, Cement Handler (sack or
bulk); Choker Setter; Concrete and Asphalt Saws; Concrete Bucket-
man; Creosote Material Handler; Curb Machine; Dumpman, Graderman;
Dumpman, Spotter; Form Setters; Guniting, Pumpcrete and Placo Ma-
chine Operator; Machine Operator; Jackhammer Operator; Mech-
anical Tamper; Laser Beam Operator; Pipelayers (all types);
Plastic Pipe Layer; Pavement Breaker Operator; Pneumatic and
electric tool Operator; Pipe Wrapper; Powderman Tender, Primer-
houseman; Power driven Wheelbarrow; Power Saw (bucking and
falling); Rip Wrapper (hand placed); Rodder and Spreader; Signal
Man; Shoring and Lagging (open ditch); Tar Pot Operator

Group 3: Tenders, Trowl Trades (scaffolding, staging,
forklifts for Masons and Plasterers)

LABORERS (Cont'd)

Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties

Group 1: Axeman; Car and Truck Loaders (weighing loaded trucks); Cosmoline, applying and removing; Concrete Laborer; Chucktenders and Nippers; Crusher Laborer; Equipment Handler (trucks, bobcats); Flagman, Watchman; Form Stripper; General Laborer; Hand Faller; Landscape Laborer; Riprap Tender; Rodman; Scaleman Scissorman; Stake Jumper; Tool Checker; Toolhouseman

Group 2: Applicator, hand or nozzle (applying hot protective material of oil or asphalt base); Asphalt Raker; Barco Tamper; Caulker, Collarman, Joinder, Mortarman; Cement Handler (sack or bulk); Choker Setter; Concrete and Asphalt Saws; Concrete Bucketman; Creosote material Handler; Curb Machine; Dumpman, Gradenman, Dumpman, Spotter; Form Setters; Guniting, Pumpcrete and Placo Machine Operator; Machine Operator; Jackhammer Operator; Mechanical Tamper; Laser Beam Operator; Pipelayers (all types); Plastic Pipe Layer; Pavement Breaker Operator; Pneumatic and electric tool Operator; Pipe Wrapper; Powderman Tender, Primerhouseman; Power driven Wheelbarrow; Power Saw (bucking and falling); Rip Wrapper (hand placed); Rodder and Spreader; Signal Man; Shoring and Lagging (open ditch); Tar Pot Operator

Group 3: Tenders, Trowl Trades (scaffolding, staging, forklifts, for Masons and Plasterers)

Granite, Lake (southern area), Mineral, Missoula, Ravalli and Sanders (southern area) Counties

Group 1: General Building and Construction Labor, Scaleman, Watchman, Flagman, Form Strippers, Car and Truck Loaders, Carpenters Tenders

Group 2: Nozzleman (air or water); Sand Blast; Tailhouseman, Powderman Tender, Power driven wheelbarrow; Rodder and Spreader; Form Setters (paving); Bucketman; Signlaman; Rigger; Small Air Tool Operators, including Blow Pipes, Small power tool Operators, Chuck Tenders, Asphalt Rakers, Dumpman, Rip Rapping, Pipe Wrapper, Pot Tenders; Concrete Pumper Hoseman, Cutting Torch; Jackhammer, Pavement Breaker; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

Group 3: Pipelayers (non-metallic); Metal Culvert; Pipelayers, Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Mixer Operator; Shoring and Lagging Open Ditches; Concrete Saw; Powderman; Drills, Air-trac, Wagon Drill, Cat or Truck mounted air operated drills; Laser Equipment and Tool; Welders; Sand Blaster (wet or dry); Gunnitmen; Barco Tamper

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LABORERS (Cont'd)						
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Pondera, Teton and Toole Counties:						
Group 1	\$ 8.60	.62	.53			.05
Group 2	8.76	.62	.53			.05
Group 3	8.85	.62	.53			.05
Group 4	9.10	.62	.53			.05
Group 5	9.20	.62	.53			.05
Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Counties:						
Group 1	9.30	.62	.53			.05
Group 2	9.40	.62	.53			.05
Group 3	9.55	.62	.53			.05
Group 4	9.70	.62	.53			.05
Group 5	9.80	.62	.53			.05
Group 6	10.05	.62	.53			.05

LABORERS (Cont'd)

Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Pondera, Teton and Toole Counties

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketmen and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer; Building and structure; Crusher and Batch Plant Laborer; Heater Tender (not covered by joint board decision, such as radiant type or butane fire, without blowers or fans, General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzlemans (air, water), Gunite and Placo Machine; Pipelayer (all types) Laser Equipment Operator; Pipe-wraper; Spike Driver, single or dual or hand; Switchman; Tar Pot Operator

Group 3: Asphalt Raker; Concrete Vibrator (3" and over); Drills, Air Track (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzlemans; High Scaler; High Pressure Machine Nozzlemans; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Welder, Cutting Torch and Air Arc

LABORERS (Cont'd)

Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Counties

Group 1: General and Building Laborers and Scale Man; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small power tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and installers includes installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers

Group 2: Dumpmen (Grade)

Group 3: Power Driven Concrete Buggies or power driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzlemans, Placo Operator, Jackhammer, Pavement Breaker, Vibrator (2 1/2" and over) Barco Tamper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzlemans (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender; Gunite Nozzlemans; Caisson Workers (free air); Tunnels and Shafts (free air); Bull Gang, Pot Tender; Chuck Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders handling bricks and blocks only

Group 5: Hod Carriers and Plaster Tenders (men carrying motor either by hod, pail or barrow); High Scaler; Wagon Driller, cat or truck mounted air operated Drills; Asphalt Rakers and Tampers, Gunite, Form setter (Slab steel forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademans; Concrete Nozzlemans; Miners

Group 6: Powdermen; Laser Tools and Equipment; Small Concrete Mixers; Concrete Saw

POWER EQUIPMENT OPERATORS:

A-Frame Truck Crane, Winch Truck and similar
 Air Compressor, single
 Air Compressor, two or more
 Air Doctor
 Asphalt Paving Machine
 Asphalt Paving Machine
 Screed
 Automatic Finegrader,
 Gullies and other similar
 types
 Belt Finish Machine
 Bit Grinder
 Bituminous Mixer Paving,
 Travel Plant
 Boring Machine (small),
 Jeep, Pickup or Farm
 Tractor mounted
 Boring Machine (large)
 Broom, self-propelled
 Cableway Highline
 Cement Silo
 Central Mixing Plants, Con-
 crete dam and stationary
 Chain Bucket Loader
 Chip or Gravel Spreader,
 self-propelled
 Concrete Batch Plant, one
 and two Mixers
 Concrete Batch Plant, three
 and four Mixers
 Concrete Batch Plant, five
 Mixers and over
 Concrete Batch Plant Oiler,
 up to and including two
 Mixers
 Concrete Batch Plant Oiler,
 three Mixers and over
 Concrete Bucket Dispatcher
 Concrete Curing Machine
 Concrete Finish Machine
 Paving

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocation	
\$11.30	.75	.65	.45	.07
10.99	.75	.65	.45	.07
11.16	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.59	.75	.65	.45	.07
11.16	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.05	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.13	.75	.65	.45	.07
11.97	.75	.65	.45	.07
11.25	.75	.65	.45	.07
11.71	.75	.65	.45	.07
11.18	.75	.65	.45	.07
11.18	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.66	.75	.65	.45	.07
11.86	.75	.65	.45	.07
10.98	.75	.65	.45	.07
11.29	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.46	.75	.65	.45	.07

POWER EQUIPMENT OPERATORS:
(Cont'd)

Concrete Float-Spreader
 Concrete Mixer, three bags
 and under
 Concrete Mixer, four bags
 and over
 Concrete Power Saw, self-
 propelled
 Concrete Travel Batch
 Concrete Conveyor under
 40 feet
 Concrete Conveyor over
 40 feet
 Concrete Pump
 Conveyor Loader Operator,
 up to and including 42'
 belt
 Conveyor Loader Operator
 over 42" belt
 Crane, to and including
 80' boom
 Crane, 81' to 130' boom
 Crane, 131' to 150' boom
 Crane, 151' boom and over
 Crane Oiler
 Crane with jibs an
 additional \$.15 per hour
 Crusher
 Crusher Oiler
 Crusher Conveyor, when
 required
 Distributor
 DW 10, 15, or 20 tractor
 pulling Roller
 Electric Overhead Cranes
 Elevating Grader
 Farm type tractor up to
 and including 50 HP engine
 Farm type tractor, over 50
 engine

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocation	
\$11.46	.75	.65	.45	.07
11.05	.75	.65	.45	.07
11.22	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.04	.75	.65	.45	.07
11.79	.75	.65	.45	.07
11.79	.75	.65	.45	.07
11.04	.75	.65	.45	.07
11.16	.75	.65	.45	.07
11.62	.75	.65	.45	.07
11.77	.75	.65	.45	.07
11.82	.75	.65	.45	.07
11.87	.75	.65	.45	.07
11.03	.75	.65	.45	.07
11.46	.75	.65	.45	.07
10.95	.75	.65	.45	.07
10.92	.75	.65	.45	.07
11.46	.75	.65	.45	.07
11.18	.75	.65	.45	.07
11.64	.75	.65	.45	.07
11.46	.75	.65	.45	.07
10.92	.75	.65	.45	.07
11.00	.75	.65	.45	.07

POWER EQUIPMENT OPERATORS: (Cont'd)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Field Equipment Serviceman	\$11.38	.75	.65	.45	.07
Fireman	11.05	.75	.65	.45	.07
Forklift, on construction					
job site	11.27	.75	.65	.45	.07
Form Grader	11.23	.75	.65	.45	.07
Gradall	11.46	.75	.65	.45	.07
Grade Setter	11.92	.75	.65	.45	.07
Heavy Duty Drill, all types	11.46	.75	.65	.45	.07
Heavy Duty Driller	11.05	.75	.65	.45	.07
Herman-Nelson Heaters and similar type	11.00	.75	.65	.45	.07
Hoist, two or more drums	11.46	.75	.65	.45	.07
Helicopter Hoist	11.96	.75	.65	.45	.07
Hot Plant	11.46	.75	.65	.45	.07
Hot Plant Fireman, when in operation	11.46	.75	.65	.45	.07
Hot Plant Oiler, 100 ton per hour or over	10.95	.75	.65	.45	.07
Hydra Lift and similar types	11.35	.75	.65	.45	.07
Industrial Locomotive all classes	11.46	.75	.65	.45	.07
Mechanic and/or Welder on job	11.56	.75	.65	.45	.07
Mixermobile	11.54	.75	.65	.45	.07
Motor Patrol	11.59	.75	.65	.45	.07
Mountain Logger or similar type	11.46	.75	.65	.45	.07
Mucking Machine	11.46	.75	.65	.45	.07
Oiler-Driver, Rubber tired Cranes	11.03	.75	.65	.45	.07
Oilers, other than Shovels and Cranes	10.95	.75	.65	.45	.07
Oiler, Hoist House, dams Pavement Breakers, Emsco and similar	11.36	.75	.65	.45	.07
Paving and Mixing Machine	11.46	.75	.65	.45	.07
Power Auger, large truck or tractor mounted and Punch	11.59	.75	.65	.45	.07
	11.46	.75	.65	.45	.07

POWER EQUIPMENT OPERATORS: (Cont'd)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Power Mixer, single or double drum	\$11.46	.75	.65	.45	.07
Power Saw, multiple cut, self-propelled	11.46	.75	.65	.45	.07
Pumpcrete or Grout Machine Pumpman	11.46	.75	.65	.45	.07
Push Tractor	10.99	.75	.65	.45	.07
Quad Cat	11.46	.75	.65	.45	.07
Quad Loader and similar type	11.76	.75	.65	.45	.07
Radiator Repairman	12.04	.75	.65	.45	.07
Raygo Gaint	11.27	.75	.65	.45	.07
Refrigeration Plant	12.04	.75	.65	.45	.07
Retort	11.46	.75	.65	.45	.07
Roller, on blade or hot mix oil paving	11.05	.75	.65	.45	.07
Roller, on other blade or hot mix paving	11.46	.75	.65	.45	.07
Roller, 25 ton or over	11.16	.75	.65	.45	.07
Ross and similar type Carriers, on construction site	11.46	.75	.65	.45	.07
Rubber-tired Dozer	11.46	.75	.65	.45	.07
Rubber-tired Front End Loader, 1 yard and under	11.17	.75	.65	.45	.07
Rubber-tired Front End Loader, 1 yard to and including 3 yards	11.46	.75	.65	.45	.07
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	11.57	.75	.65	.45	.07
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	11.68	.75	.65	.45	.07
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	11.78	.75	.65	.45	.07
Rubber-tired Front End Loader, over 15 yards	11.88	.75	.65	.45	.07

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Scrapper, DW 15, 20, 21 and similar type if power unit is not used	\$11.46	.65	.45		.07
Scrapper, single or twin engine pulling Belly Dump Trailer	11.84	.65	.45		.07
Scrapper, single engine	11.59	.65	.45		.07
Scrapper, twin engine	11.69	.65	.45		.07
Scrapper, tandem engine or 3 engine	11.95	.65	.45		.07
Self-propelled Sheepfoot and similar type	11.46	.65	.45		.07
Shovels, including all attachments, under 1 cu.yd.	11.46	.65	.45		.07
Shovels, including all attachments, over 3 cu.yds. to and including 3 cu.yds.	11.64	.65	.45		.07
Shovels, including all attachments, over 3 cu.yds. to and including 5 cu.yds.	11.91	.65	.45		.07
Shovels, including all attachments, over 5 cu.yds. to and including 15 cu.yds.	12.04	.65	.45		.07
Shovel Oiler, 3 yds. and under	10.95	.65	.45		.07
Shovel Oiler, over 3 cu.yds.	11.36	.65	.45		.07
Slip Form Paver	11.59	.65	.45		.07
Stiff Leg Derrick and Guy Derrick	11.91	.65	.45		.07
Track-type Front End Loaders, up to and including 5 cu. yds.	11.46	.65	.45		.07
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	11.69	.65	.45		.07
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	11.79	.65	.45		.07

POWER EQUIPMENT OPERATORS:
(Cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Track-type Front End Loaders, over 15 cu. yds.	\$11.89	.65	.45		.07
Track-type Tractor w/wo attachments	11.46	.65	.45		.07
Track-type Tractor, on Euclid Loader	11.64	.65	.45		.07
Trenching Machine	11.46	.65	.45		.07
Turnhead Conveyor, or Head Tower on Batch Plant	11.46	.65	.45		.07
Wagner Roller and similar type	11.46	.65	.45		.07
Whirley Crane	11.99	.65	.45		.07
Whirley Crane Oiler	11.36	.65	.45		.07
Water Pull when used for compaction	11.46	.65	.45		.07
Washing and Screening Plant	11.46	.65	.45		.07
Washing and Screening Plant Oiler	11.95	.65	.45		.07
Yo-Yo Cat, both ends	11.66	.65	.45		.07

POWER EQUIPMENT OPERATORS:
(Cont'd)

Track-type Front End Loaders, over 15 cu. yds.
Track-type Tractor w/wo attachments
Track-type Tractor, on Euclid Loader
Trenching Machine
Turnhead Conveyor, or Head Tower on Batch Plant
Wagner Roller and similar type
Whirley Crane
Whirley Crane Oiler
Water Pull when used for compaction
Washing and Screening Plant
Washing and Screening Plant Oiler
Yo-Yo Cat, both ends

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
TRUCK DRIVERS					
Statewide, except Gallatin, Park, Sweet Grass, of U. S. Broadwater (south of U. S. Highway #12) Counties:					
COMBINATION TRUCK; Concrete Mixer and Transit Mixer: To & including 4 cu. yds.	\$10.34	.77			
Over 4 cu. yds. to and including 6 cu. yds.	10.42	.77			
Over 6 cu. yds. to and including 8 cu. yds.	10.50	.77			
Over 8 cu. yds. to and including 10 cu. yds.	10.58	.77			
Over 10 cu. yds.-additional \$.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER	10.32	.77			
DRY BATCH TRUCKS:					
3 Batch or under	10.09	.77			
Over 3 Batch to and including 5 Batch	10.22	.77			
Over 5 Batch to and including 10 Batch	10.35	.77			
Over 10 Batch to and including 15 Batch	10.54	.77			
Over 15 Batch-additional \$.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	10.19	.77			
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters	10.09	.77			

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
TRUCK DRIVERS: (Cont'd)					
DUMP TRUCKS And SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:					
Water Level Capacity, including Sideboards: 7 cu. yds. or less	\$10.09	.77			
Over 7 cu. yds. to and including 10 cu. yds.	10.22	.77			
Over 10 cu. yds. to and including 15 cu. yds.	10.38	.77			
Over 15 cu. yds. to and including 20 cu. yds.	10.52	.77			
Over 20 cu. yds. to and including 25 cu. yds.	10.58	.77			
Over 25 cu. yds. to and including 30 cu. yds.	10.64	.77			
Over 30 cu. yds. to and including 35 cu. yds.	10.70	.77			
Over 35 cu. yds. to and including 40 cu. yds.	10.76	.77			
Over 40 cu. yds. to and including 45 cu. yds.	10.82	.77			
Over 45 cu. yds.-additional \$.10 per hour each additional 5 cu. yds. increment					
DUMPSTERS	10.22	.77			
POWER TRUCK DRIVER (bulk unloader type)	10.27	.77			
FLAT TRUCKS:					
To and including 3 tons	10.24	.77			
Over 3 tons factory rating	10.44	.77			

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS: (Cont'd)				
FUEL TRUCK DRIVERS; TIREMEN	\$10.68	.75	.77	
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	10.34	.75	.77	
LUMBER CARRIERS, LIFT TRUCKS and FORK LIFTS	10.34	.75	.77	
POWER BOOM	10.18	.75	.77	
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:				
Over 2,500 gallons and under including 4,500 gallons	10.09	.75	.77	
Over 4,500 gallons to and including 6,000 gallons	10.38	.75	.77	
Over 6,000 gallons to and including 8,000 gallons	10.58	.75	.77	
Over 8,000 gallons to and including 10,000 gallons	10.64	.75	.77	
Over 10,000 gallons - additional \$.10 per hour each additional 2,000 gallons increment	10.72	.75	.77	
TRUCK MECHANIC	11.08	.75	.77	

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS: (Cont'd)				
DUMP TRUCKS:				
7 yds. or less	\$ 9.03	.75	.49	
Over 7 yds. to and including 10 yds.	9.28	.75	.49	
Over 10 yds. to and including 15 yds.	9.44	.75	.49	
Over 15 yds. to and including 20 yds.	9.55	.75	.49	
PICKUP DRIVER hauling Materials	9.03	.75	.49	
FLAT TRUCKS:				
Less than 2 ton factory rating	9.03	.75	.49	
2 - 5 tons	9.18	.75	.49	
5 - 8 tons	9.28	.75	.49	
SEMI and 4-WHEEL TRAILERS	9.28	.75	.49	
SERVICE TRUCKS and A-FRAME TRAILERS	9.03	.75	.49	
HOUSE MOVERS	9.12	.75	.49	

Jurisdictional Areas

All of Gallatin, Park and Sweet Grass Counties; that portion of Madison County east of Montana Highway #287; that portion of Broadwater County south of U. S. Highway #12; in full detail starting with Montana #287 at the Idaho line, then north following highway to where it meets U. S. Highway #10; then north to connect with the Broadwater County Line and continues until it meets a straight line drawn between Boulder, Montana and Townsend, Montana. Follow this line to Townsend and then follow U. S. Highway #12 east until you meet the Wheatland County Line, follow the Wheatland County Line south and east to where it meets the Stillwater County Line and then follow this County Line south to the State Line, follow the State Line west to where it meets Montana Highway #287.

STATE: Pennsylvania
 SUPERSIDES DECISION
 COUNTY: Lackawanna, Susquehanna, Wayne and Wyoming
 DATE: Date of Publication
 DECISION NO. PA80-3034
 PA78-3045 dated May 12, 1978, in 43 FR 20714.
 Supersides Decision No. PA78-3045 dated May 12, 1978, in 43 FR 20714.
 DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories).

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	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation Education and/or Appr. Tr.
LINE CONSTRUCTION				
Flathead, Lake and Lincoln Counties				
All work for power utilities, all highway lighting, street lighting and motor traffic controlling.				
Lineman	\$12.32	.45	38+.50	1/28
Cable Splicer	13.71	.45	38+.50	1/28
Pole Sprayer	10.95	.45	38+.50	1/28
Line Equipment Operators	10.50	.45	38+.50	1/28
Powderman, Jackhammer, Compressorman	9.11	.45	38+.50	1/28
Groundman	8.54	.45	38+.50	1/28
Tree Trimmer	11.35	.45	38+.50	1/28
Remaining Counties				
Jobs over 69,000 volts:				
Lineman, Pole Sprayer	\$11.20	.45	38+.50	1/28
Cable Splicer	11.90	.45	38+.50	1/28
Line Equipment Operators; Powderman	10.00	.45	38+.50	1/28
Groundman	8.10	.45	38+.50	1/28

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	\$11.875	.80	.60		.01
BOILERMAKERS	14.64	1.175	1.00		.02
BRICKLAYERS; Stonemasons:					
Scranton in Lackawanna County	11.50	.85	.90		.01
Carbondale in Lackawanna Co.	10.45	.85	.70		
Susquehanna and Wyoming Cos.	11.15	.85	.75		
CARPENTERS:					
Lackawanna, Susquehanna and Wayne Counties	11.14	.67	.50		.05
Wyoming County:					
East of Susquehanna River	11.14	.67	.50		.05
West of Susquehanna River	11.39	.40	.50		.03
CEMENT MASONS:					
Wyoming, Wayne, Susquehanna Counties, Scranton in Lackawanna County	12.05				
Carbondale in Lackawanna Co.	10.45		1.55		
ELECTRICIANS:					
Lackawanna, Susquehanna and Wayne County	11.10	.75	37+.50	1.00	.10
Wyoming County:					
East of Susquehanna River	11.10	.75	37+.50	1.00	.10
West of Susquehanna River	12.54	.65	37+.05		.03
ELEVATOR CONSTRUCTORS	11.27	.895	.89	a+b	.03
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.895	.89	a+b	.03
(PROB.)					
GLAZIERS	50%JR	.65	.85		
IRONWORKERS	10.50				
Lackawanna, Wayne and Wyoming Cos.					
Structural and Ornamental Reinforcing	12.60	e			.10
Susquehanna County	12.70	e			.10
	10.95	.93	1.03		

POWER EQUIPMENT OPERATORS - CLASSIFICATIONS

Group 1: Machines doing hook work; Any machine handling machinery; Cable spinning machines; Helicopters; Machines similar to the above

Group 2: All types of Cranes; All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Hoist with two towers; Pavers, 21E and over; All types of overhead cranes; Building hoists (double drum); Gradalls; Mucking machines in tunnel; All front end loaders, 3 1/2 cu. yds. and over; Tandem scrapers; Pippin type backhoes; Boat captains; Hatch plant operators (concrete); Drills; Self-contained rotary drills; Fork lifts, 20 ft. lift and over; machine similar to the above

Group 3: Conveyors; Building hoists (single drum); Scrapers and Turntable; Spreaders; High or low pressure boilers; Concrete pumps; Well drillers; Bulldozers and tractors; Asphalt plant engineers; Roller (high grade finishing); Ditch witch type trencher; All loaders under 3 1/2 cu. yds.; Mechanic-welder; Motor patrolls; Drill helper-self contained rotary drills; Core drill operator; Forklift trucks, under 20 ft. lift; Machine similar to the above

Group 4: Welding machines; Well points; Compressors; Pumps; Heaters; Farm tractors; Form line gadders; Fine grade machines; Road finishing machines; Concrete breaking machines; Rollers; Seaman pulverizing mixer; Power broom; Seeding spreaders; Tireman (for power equipment); Machines similar to above

Group 5: Fireman, Grease truck

Group 6: Oilers and deck hands (personnel boats); Core drill helper

Group 7: All machines with booms (including jib, masts, leads, etc.); 100 ft. and over

Group 7-A: 150 ft. and over

Group 7-B: 200 ft. and over

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS:					
Composition and Kettleman	\$11.32		1.13		.02
SHEET METAL WORKERS	11.09	.65	.71		
SOFT FLOOR LAYERS:					
Lackawanna, Wayne and Susquehanna Counties	11.14	.67	.50		.05
Wyoming County	9.60	.55	.65		.05
PIPEFITTERS	13.55	.75	1.05		.08
SPRINKLER FITTERS	12.34	.65	.95		.05
TRUCK DRIVERS:					
Class I	9.52				
Class II	9.59				
Class III	10.08				

TRUCK DRIVERS - CLASSIFICATIONS

Class I: Helper; Stake body truck (single axle); Dumpster

Class II: Dump trucks; Tandem and batch trucks; Semi-trailers; Agitator mixer trucks; Ready mix and dumpcrete type vehicles asphalt distributors; Farm tractor when used for transportation; Stake body truck (tandem)

Class III: Euclid type; Off-highway equipment - back or belly dump trucks and double hitched equipment; Straddle (Ross) carrier; Low-bed trailers

SUPERSEDES DECISION

STATE: Pennsylvania
 DECISION NO.: PA80-3027
 COUNTY: Schuylkill
 DATE: Date of Publication
 Supersedes Decision NO. PA78-3064, dated September 22, 1978, in 43 FR 43224.
 DESCRIPTION OF WORK: Building, Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories).

Page 6

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- Paid Holidays: A through F, plus the Friday after Thanksgiving Day.
- Paid Holidays: A through F and Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.
- Paid Holidays: Washington's Birthday, Good Friday, Memorial Day, Labor Day; Presidential Election Day; Veterans' Day, Thanksgiving Day.
- Employer contributes \$2.60 to a Combined Health and Welfare and Pension Fund.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Asbestos Workers	\$11.61	1.12	.90		.01	
Boilermakers	14.64	1.175	1.00		.02	
Bricklayers & stonemasons	10.20	.70	1.25			
Carpenters	10.92	.55	.65		.05	
Cement masons	10.20	.70	1.25			
Electricians:						
North manheim, South Manheim, West Brunswick, Wayne, Washington, Pottsville, Schuylkill Haven Twp.	12.49	.78	374.30		.03	
Pine Grove & Tremont Twp.	10.09	.65	374.67		1/4 of 1%	
North Union, East Union, West Mahony, (excluding Frackville Borough), Mahony, Delano, Lline, Rush, Ryan, Blythe, Schuylkill, Walker Rahn, East Brunswick and West Penn. Twp.	11.87	.65	374.30	a	b	
Remainder of County	11.95	.50	374.20		.05	
Glaziers	9.19	.40	.40		.01	
Ironworkers	12.40	1.24	1.36		.02	
Laborers:						
Unskilled laborers & window cleaners	7.30	.45	.25			
Operator of jackhammer, paving breaking & other pneumatic, electric & mechanical tools, laying af all clay, terra cotta, ironstone, virtified concrete or non-metallic pipe & the making of joints for same, wagon drill operators, cofferdams (below 10'), tunnel free air handling & using cutting or burning torches in the wrecking of buildings, blasters, plasterers-tenders, mason tenders, scaffold builders and removal & power buggier	7.40	.45	.25	c	.01	
Lathers	7.25	.15	.25		.01	
Lead burners	10.75	.40				

DECISION NO. PA80-3027

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Holidays: July 4th, Labor Day; Thanksgiving Day and Good Friday.
 b. Employer shall contribute .12 per day per employee.
 c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular schedule work days immediately preceding and following the holiday.
 d. Holiday: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day and Thanksgiving Day.
 e. Holiday: Independence Day.

Welders - rate for craft

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (ii))."

Line Construction: Lineman, heavy equipment operator Winch truck operators Groundman Marble setters & terrazzo workers Millwrights Painters: Townships of North Union, East Union, Union, Mahanoy, West Mahanoy, Butler, Kline, Delano, Ryan, Rush, Rahn, West Penn., and City of Tamaqua Brush Tapers Hazardous Painters: (Remainder of County) Brush Steel Stray Piledrivermen Plasterers Plumbers Roofers: Barry Branch, Butler, Delano, East Brunswick, East Union, Eldred, Foster, Fraily, Hegins, Hubley, Kline, New Castle, North Union, Porter, Hahn, Reilly, Rush, Fremont, Union, Upper Mahantango, West Penn. Composition Remainder of County: Composition, damp waterproof- ing Roofers Assistant Sheet metal workers Soft floor layers Sprinkler fitters Steamfitters Tile setters	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
	\$12.37	.55	3%		3/8%
	8.68	.55	3%		3/8%
	8.30	.55	3%		
	9.20	.70	1.25		.05
	11.45	.50	.55		
	9.95	.75	.50		.10
	10.21	.75	.50		.10
	11.21	.75	.50		.10
	9.75	.75	.80		
	10.80	.75	.80		
	10.80	.75	.80		
	11.52	2.45	1.40	d	.13
	10.20	.70	1.25		
	11.89	.80	1.25		.05
	10.65	.90	.85		
	13.47	1.40	.95	e	.02
	6.50	1.40	.95	e	.05
	11.52	.70	.76		.08
	9.60	.55	.65		.05
	13.55	.75	1.05		.05
	12.34	.65	.95		
	9.20	.70	1.25		

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP 1	12.86	7%	10.3%	a	1.8%
GROUP 2	12.57	7%	10.3%	a	1.8%
GROUP 3	11.70	7%	10.3%	a	1.8%
GROUP 4	10.93	7%	10.3%	a	1.8%
GROUP 5	10.46	7%	10.3%	a	1.8%
GROUP 6	9.55	7%	10.3%	a	1.8%
GROUP 7	13.11	7%	10.3%	a	1.8%
GROUP 7-A	13.36	7%	10.3%	a	1.8%
GROUP 7-B	13.60	7%	10.3%	a	1.8%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystone, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-4 c.v. and over, tandem scrapers, pipin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tounapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-4 cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDES DECISION

STATE: Wisconsin

COUNTRIES: Ashland, Bayfield and Douglas

DECISION NO.: W180-2027
DATE: Date of Publication
Supersedes Decision No. W178-2110 dated October 20, 1978 in 43 FR 49222
DESCRIPTION OF WORK: Building (including Residential) Construction

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$11.75	.40	.75	1.15	.05
BOILERMAKERS	12.87	1.275	1.00		.01
BRICKLAYERS	11.46	.75	.45		
CARPENTERS: Ashland Co.	10.30	.60	.45	.25	
Bayfield & Douglas Cos.	10.40	.50	.65	.75	
(Residential) Bayfield & Douglas Cos.	6.72	.60	.40		.05
(Residential) Ashland	8.30	.60	.45		
CEMENT MASONS: DOUGLAS Co.	11.845	.40			
Ashland & Bayfield Cos.	10.64	.75	.45		.01
ELECTRICIANS	12.13	.48	.78	1.18	.28
Residential	7.00	.35	.38		.01
ELEVATOR CONSTRUCTORS	11.29	1.045	.82	a&b	.035
IRONWORKERS	11.65	.50	.70	1.00	.02
LATHERS	12.00	.40			
LINE CONSTRUCTION					
Linenen	11.82	.62	.78		1.88
Heavy Equipment Operator	10.64	.62	.78		1.88
Light Equipment Operator	9.46	.62	.78		1.88
Heavy Groundman - Truck Driver	8.27	.62	.78		1.88
Light Groundman - Truck Driver	7.68	.62	.78		1.88
Groundman	6.50	.62	.78		1.88
MILLWRIGHTS & PILEDRIVERMEN					
Ashland County	10.50	.60	.45	.25	
Bayfield & Douglas Cos.;					
Millwrights	10.62	.50	.65	.75	
Piledrivermen	10.40	.50	.65	.75	
PAINTERS:					
Brush	11.56	.40	.40		.11
Spray	12.16	.40	.40		.11
PLASTERERS	11.65	.40	.45		
PLUMBERS	11.41	.50	.75	1.50	.05
ROOFERS	11.43	.40	.35	1.25	
SHEET METAL WORKERS	11.54	.40	.66	1.25	.04
SOFT FLOOR LAYERS	10.30	.40	.45	.25	
SPRINKLER FITTERS	13.33	.75	1.05		.08
TERRAZZO WORKERS	11.46	.75	.45		.01
TILE SETTERS	11.46	.75	.45		.01

Welders receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. W180-2027

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Holidays: A through F
b. Employer contributes 8% of regular hourly rate to Vacation Pay
Credit for employee who has worked in business more than 5 years.
Employer contributes 6% of regular hourly rate to Vacation Pay
Credit for employee who has worked in business less than 5 years

LABORERS

Laborers: Ashland County
only
General Laborer
Concrete work and carrying
reinforcing or any steel
Mason Tenders, Brick-
layers, Tenders, Sewer
Diggers, Pipelayers,
Operating small mixers
or mixing by hand,
Operating power tools
such as jackhammers, vi-
brator, air spade and
forklift
Laborers: Bayfield & Douglas
Counties
General Laborer, Mason
Tender, Mortar Mixer,
Air Hammer, Air Spade &
Jack Hammer Operators
Plasterer Laborer

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
8.98	.55	.45			.03
9.13	.55	.45			.03
9.65 9.90	.55 .55	.45 .45			

[FR Doc. 80-11514 Filed 4-17-80; 8:45 am]
BILLING CODE 4510-27-C

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
GROUP I	12.02	1.05	.90			.05
GROUP II	11.77	1.05	.90			.05
GROUP III	11.47	1.05	.90			.05
GROUP IV	11.37	1.05	.90			.05
GROUP V	10.96	1.05	.90			.05
GROUP VI	10.62	1.05	.90			.05

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks,
Caisson Rigs, Pile Driver, Skid Rigs, Derrick Operator and Traveling
Cranes (Bridge Type), Concrete Paver (over 27E), Concrete Spreader
and Distributor

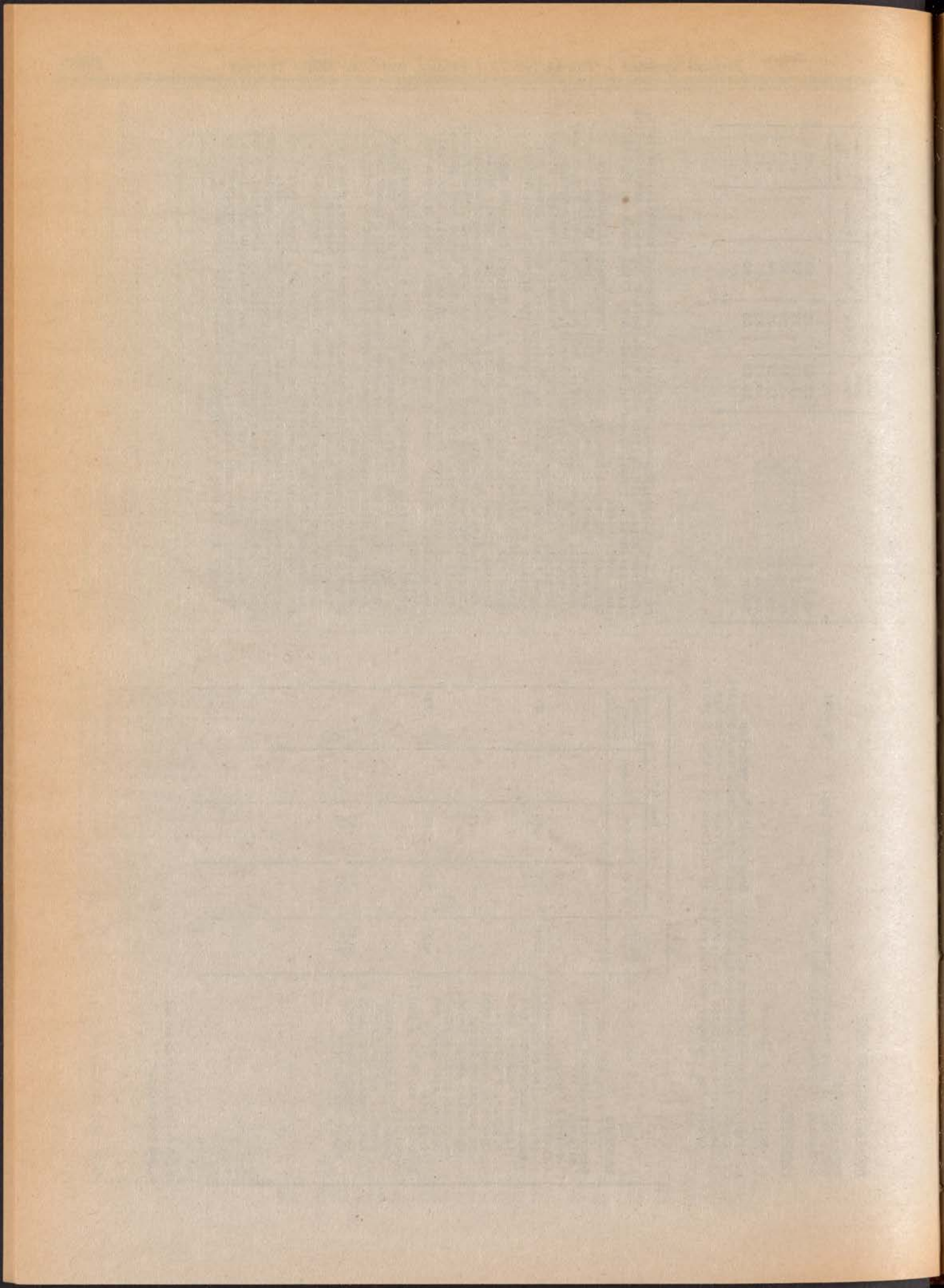
GROUP II - Material Hoists, Tractor or Truck Mounted Hydraulic
Backhoe, Tractor or Truck Mounted Hydraulic Crane (5 Tons or Under),
Manhoist, Tractor (over 40 H.P.), Bulldozer (over 40 H.P.), Endloader
(over 40 H.P.), Forklift (25' and over), Motor Patrol, Scraper
Operator, Sideboom, Straddle Carrier, Mechanic and Welder, Bitumi-
nous Plant and Paver Operator, Roller (over 5 tons), Rotary Drill
Operator and Blaster, Trencher (wheel type or chain type having
over 8-inch bucket)

GROUP III - Concrete and Grout Pumps, Backfiller, Concrete Auto
Breaker (large), Concrete Finishing Machine (Road Type), Roller
(Rubber Tire), Concrete Batch Hopper, Concrete Conveyor Systems,
Concrete Mixers (14S or over), Screw Type Pumps, and Gypsum Pumps,
Tractor, Bulldozer, Endloader (under 40 H.P.), Pumps (well points),
Trencher (chain type having bucket 8-inch and under), Industrial
Locomotives, Roller (under 5 tons) and Firemen (pile drivers and
derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'); Tampers-
Compactors (riding type), Assistant Engineer, "A" Frame and Winch
Trucks, Concrete-Auto Breaker, Hydro-Hammer (small), Booms and
Sweeper, Hoists (tuggers) Stump Chipper (large), Boats, Safety,
Work, Barges and launch

GROUP V - Shouldering Machine Operator, Screed Operator, Farm or
Industrial Tractor Mounted Equipment, Post Hole Diggers, Stone
Crushers and Screening Plants, Firemen (asphalt plants), Air
Compressor (300 CFM or over)

GROUP VI - Generators over 150KW Pumps over 3", Augers (vertical
and horizontal), Combination Small Equipment Operator; Air,
Electric Hydraulic Jacks (Slip form), Compressors (under 300 CFM);
Welding Machines, Heaters (mechanical), prestress Machines, Bobcats,
Generators (under 150 KW), Pumps (3" and under); Winches (small
electric), Oiler and Greaser, Boiler Operators (temporary heat),
Rotary Drill Helper, Conveyors, forklift (12' and under)



Environmental Protection Agency

Friday
April 18, 1980

Part III

Environmental Protection Agency

Benzene Emissions From Maleic
Anhydride Plants; National Emission
Standard

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL 1376]

National Emission Standard for Hazardous Air Pollutants; Benzene Emissions From Maleic Anhydride Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The proposed standard would limit benzene emissions from maleic anhydride plants. Emissions from existing sources would have to be reduced to 0.30 kilogram of benzene per 100 kilograms of benzene fed to the reactor. No detectable benzene emissions would be allowed from new sources. This can be done by substituting another feedstock, such as n-butane, for benzene. Benzene emissions during a control system malfunction could not exceed those that would occur if the benzene feed were shut off to all reactors as soon as practicable after the malfunction began. A new test Method 110 is proposed for the determination of benzene emissions from stationary sources.

The proposed standard implements the Clean Air Act and is based on the Administrator's determination of June 8, 1977, that benzene presents a significant carcinogenic risk to human health as a result of air emissions from one or more stationary source categories and is therefore a hazardous air pollutant. The intent of the standard is to protect the public health with an ample margin of safety.

A public hearing will be held to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning both the listing of benzene as a hazardous air pollutant, which affects all benzene-emitting stationary sources, and the proposed standard for maleic anhydride plants.

DATES: *Comments.* Comments must be received on or before June 17, 1980.

Public Hearing. A public hearing will be held on May 20, 1980 beginning at 9:00 a.m.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by May 13, 1980.

ADDRESSES: *Comments.* Comments on the health effects of benzene and the listing of benzene as a hazardous air pollutant should be submitted (in

duplicate, if possible) to: Central Docket Section (A-130), Attention: Docket No. OAQPS 79-3, Part I, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Comments on the proposed maleic anhydride standard should be submitted to: Central Docket Section (A-130), Attention: Docket No. OAQPS 79-3, Part II, same address.

Public Hearing. The public hearing will be held at Olde Colony Motor Lodge North Washington and 1st St., Alexandria, Va. Persons wishing to present oral testimony should notify Ms. Shirley Tabler, Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5421.

Background Information Document. The background information documents for the proposed standard are contained in the docket and may be obtained from the U.S. EPA library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to *Benzene Emissions from Maleic Anhydride Plants—Background Information Document for Proposed Standard (EPA-450/3-80-001a), Assessment of Health Effects of Benzene Germane to Low Level Exposures, Assessment of Human Exposures to Atmospheric Benzene, and Carcinogen Assessment Group's Report on Population Risk to Ambient Benzene Exposures.*

Docket. Docket No. OAQPS 79-3, Parts I and II, containing supporting information used in developing the proposed standard, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, Room 2903B, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5271.

Supplementary Information

Notice is hereby given that under the authority of Section 112(b)(1)(B) of the Clean Air Act, as amended, the Administrator is proposing a national emission standard for benzene emissions from maleic anhydride plants. The proposed standard is consistent with EPA's proposed *Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer* (see 44 FR

58642). As prescribed by section 112(b)(1)(A) of the Act, the proposal of this standard was preceded by the Administrator's determination that benzene is a hazardous air pollutant as defined in section 112(a)(1) of the Act. Accordingly, the Administrator revised the list of hazardous air pollutants on June 8, 1977 by adding benzene (42 FR 29332).

A Background Information Document has been prepared that contains information on the manufacture and processing of maleic anhydride, the available control technologies for benzene emissions, and an analysis of the environmental, energy, economic, and inflationary impacts of regulatory options. Information on the health effects of benzene is contained in documents prepared by or for EPA, entitled the *Assessment of Health Effects of Benzene Germane to Low Level Exposure*, the *Assessment of Human Exposures to Atmospheric Benzene*, and the *Carcinogen Assessment Group's Report on Population Risk to Ambient Benzene Exposures*. The information contained in these documents is summarized in this preamble. All references used for the information contained in the preamble can be found in one of the four documents.

Proposed Standard

The proposed standard would apply to all maleic anhydride production units that process more than 500 megagrams (550 tons) of maleic acid, maleic anhydride, or both per year.

The proposed standard would limit the quantity of benzene that could be discharged into the atmosphere from each maleic anhydride production unit for which construction commenced on or before April 18, 1980 to 0.30 kilogram of benzene per 100 kilograms (0.30 lb/100 lb) of benzene fed to the reactor(s). Any maleic anhydride production unit for which construction or modification commenced after April 18, 1980 would be limited to no detectable benzene emissions as measured with the proposed Test Method 110; this standard could be met by using a feedstock such as n-butane rather than benzene for making maleic anhydride.

For existing sources, emissions in excess of the numerical emission limit would not be allowed during routine startup and shutdown of a plant. Emissions in excess of the numerical emission limit that are caused by control system failures would be allowed only if the plant owner or operator demonstrated to the Administrator's satisfaction that the emissions were unavoidable. Equipment failures that

could have been prevented by proper design, operation, and maintenance would be considered avoidable. Emissions in excess of the numerical emission limit that are due to unavoidable control system failures could be no greater than the total uncontrolled mass emissions that would occur during a plant shutdown. Maleic anhydride plants using benzene as a feedstock would have to install continuous emission monitors for benzene and report the occurrence of emissions in excess of the numerical emission limit within 10 days of each occurrence.

Existing sources would have to comply with the standard within 90 days of its effective date, unless a waiver of compliance were obtained. A waiver of compliance could be granted by the Administrator for no more than 2 years from the promulgation date.

Summary of Health, Environmental, Energy, and Economic Impacts

The proposed standard would affect as many as eight existing plants that produce maleic acid, maleic anhydride, or both as an end product. The standard would also apply to one plant that produces maleic acid as an intermediate in the production of fumaric acid. Because EPA has only recently become aware of this plant, it is not included in the health, environmental, energy, and economic impacts discussed in this section, in the remainder of the preamble, or in the Background Information Document. This plant would be covered by the proposed standard, however, because available information indicates that there is no technical reason to exclude it. The process, emission sources, and appropriate control technology appear to be the same as for the other plants that produce maleic acid, maleic anhydride, or both as an end product. Information on this plant is being collected and will be included in the evaluations of health, environmental, energy, and economic impacts at the time of promulgation.

Because newly constructed or modified maleic anhydride production units could emit no detectable quantities of benzene, potential future benzene emissions from these sources would be prevented. No additional benzene health effects would result from the expansion of existing plants or the construction of new plants.

The proposed standard would require uncontrolled benzene emissions from existing maleic anhydride production units to be reduced by approximately 97 percent. The proposed standard would reduce nationwide benzene emissions from the plants that produce maleic

anhydride as an end product when they are operating at full capacity from about 5,800 megagrams (6,400 tons) per year to 900 megagrams (990 tons) per year. As a result of this emission reduction, there would be an order of magnitude reduction in the estimated incidence of leukemia deaths for the 10 million people estimated to live within 20 kilometers (12.5 miles) of existing maleic anhydride plants.

A more significant health impact than reduction in incidence would be the reduction in risk to the most exposed individuals living near maleic anhydride plants. This risk reduction would occur because the magnitude of the incidence is a function of the number of people exposed and the level of control at various plants as well as the risk factor. In the case of maleic anhydride plants, there are only a few plants, many of which already have some controls. Thus, the greatest health benefit of the standard is for the population at highest risk; i.e., those people living close to one of the several uncontrolled plants. The risk to the most exposed group due to emissions from process vents occurs 500 meters (550 yards) from the average-sized plant, and the proposed standard would reduce it by two orders of magnitude. It is estimated that 4,000 people live within 500 meters and 2,000 people live within 100 meters (110 yards) of maleic anhydride plants. In addition, a reduction in other health effects associated with benzene exposure (such as cytopenia, aplastic anemia, and chromosomal aberrations) may be expected.

The control systems likely to be used to meet the standard (incineration or carbon adsorption) would also reduce emissions of other hydrocarbons that may be toxic and that contribute to oxidant formation and associated environmental problems. Furthermore, if incineration were used, carbon monoxide emissions would be reduced.

The reduction in national benzene emissions achieved with the proposed standard would be obtained with minimal adverse impacts on other aspects of the environment. These adverse impacts could include small increases in nitrogen oxide and sulfur oxide emissions into the air. There could be small increases in solid wastes and benzene in wastewater. Compliance with the proposed standard would increase national energy consumption by an estimated 310,000 gigajoules (GJ/yr) (50,000 barrels of fuel oil equivalent per year) by 1980.

The capital investment required by the domestic maleic anhydride industry to comply with the proposed standard would be about \$6.6 million over the 2-

year period from 1978 to 1980. The total annualized costs of the industry due to control system installation would increase by about \$2.5 million per year by 1983, and maleic anhydride prices would increase overall by about 1.2 percent. In addition, during control system malfunctions, production levels may be decreased to achieve compliance with the standard. This could cause between 15 and 42 hours of lost production per year. For a typical plant with an annual capacity of 22,700 megagrams (50,000,000 pounds), there would be an estimated cost of \$1,000 to \$1,500 per hour of lost production. The costs of foregone production are difficult to quantify for the entire industry due to variations in plant design and operation and in market parameters. Furthermore, the proposed standard may result in one plant closure.

Rationale for Regulating Benzene Emissions Under the Authority of Section 112 of the Clean Air Act

Several activities by Federal agencies and a number of recent studies have increased public concern about exposure to benzene via inhalation. In September of 1976 and again in December of 1976, the National Institute for Occupational Safety and Health (NIOSH) recommended to the Occupational Safety and Health Administration (OSHA) that the Federal occupational exposure limit for benzene be reduced from a 10 parts per million (ppm) level for an 8-hour workday to 1 ppm. In January of 1977, OSHA issued nonenforceable guidelines to industry urging compliance with the NIOSH recommendations. In May, following receipt of a NIOSH study demonstrating that workers exposed to benzene are at considerable risk to leukemia, OSHA issued a temporary emergency standard that reduced the occupational limit from 10 to 1 ppm for an 8-hour daily exposure. OSHA promulgated that standard on February 10, 1978.

Following these actions by OSHA and NIOSH and in response to a petition from the Environmental Defense Fund (EDF), the Administrator announced in the June 8, 1977 *Federal Register* (42 FR 29332) his decision to list benzene as a hazardous air pollutant under Section 112 of the Clean Air Act. A "hazardous air pollutant" is defined as an "... air pollutant to which no ambient air quality standard is applicable and which ... may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness."

Numerous occupational studies conducted over the past 50 years

provide evidence of health hazards resulting from prolonged inhalation exposure to benzene. Benzene has been recognized since 1900 as a toxic substance capable of causing acute and chronic effects. Benzene attacks the hematopoietic system, especially the bone marrow, and its toxicity is manifested primarily by alterations in the level of the formed elements in the circulating blood (red cells, white cells, and platelets). The degree of severity ranges from mild and transient episodes to severe and fatal disorders. The mechanism by which benzene produces its toxic effects, although under investigation, is still unknown.

The adverse effects on the blood-forming tissues, including leukemia, have been documented in studies of workers in a variety of industries and occupations, including the manufacture or processing of rubber, shoes, rotogravure, paints, chemicals and, more recently, natural rubber cast film. These studies include single-case reports, cross-sectional studies, and retrospective studies of morbidity and mortality among a defined cohort of workers industrially exposed to benzene.

Based on a review of the entire set of studies taken as a whole, the Administrator concluded that benzene exposure is causally related to the induction of a number of blood disorders including leukemia (a cancer of the blood-forming system).^{*} Although the studies which form the basis for this conclusion involve occupational exposure to benzene at levels higher than those found in the ambient air, the Administrator has "made a generic determination that, in view of the existing state of scientific knowledge, prudent public health policy requires that carcinogens be considered for regulatory purposes to pose some finite risk of cancer at any exposure level above zero" (44 FR 58646). Based on its widespread use, emissions of benzene into the ambient air have been determined to result in significant human exposure. For these reasons benzene emissions may reasonably be anticipated to result in one or more serious effects that can be expected to lead to an increase in mortality or an increase in serious, irreversible or incapacitating, reversible illness. Therefore, the Administrator concluded that benzene satisfies the definition of "hazardous air pollutant" under Section 112 of the Clean Air Act.

^{*} Benzene has also been shown to be causally related to various cytopenias (decreased levels of a formed element in the circulating blood), aplastic anemia (a nonfunctioning bone marrow), and potentially inheritable chromosomal aberrations.

The Administrator considered the alternative of taking no further action and relying instead on the OSHA standard for benzene and volatile organic compound (VOC) control under the State Implementation Plans (SIP's). Reliance on the OSHA standard was rejected because the current OSHA standard stipulates a level of benzene that cannot be exceeded in the work place. This work place standard is not expected to result in the control of emissions from stacks within maleic anhydride plants, such as those for the product recovery absorber and refining system.

VOC emissions, as potential precursors of photochemical oxidants, are now being regulated under State Implementation Plans (SIP's). The goal of SIP regulations for VOC's is to effect statewide compliance with the National Ambient Air Quality Standard (NAAQS) for photochemical oxidants. Because benzene is a VOC, SIP regulations for reducing VOC's from maleic anhydride plants would also reduce benzene emissions. However, a particular State may not need to control maleic anhydride plants to meet that standard or it may not need to control VOC's to the same extent as may be appropriate for benzene in light of its hazardous nature. Consequently, the Administrator rejected reliance on SIP's for control of benzene emissions from maleic anhydride plants.

Furthermore, use of the Toxic Substances Control Act was rejected as a mechanism for controlling benzene emissions from maleic anhydride plants because the Clean Air Act provides a more direct, expeditious route for regulating these sources. The Toxic Substances Control Act could be used, however, as a possible mechanism for placing a maximum limit on the amount of benzene in gasoline and for regulating benzene levels in solvents.

Selection of Maleic Anhydride Plants for Regulation

Benzene is emitted from mobile sources, the gasoline marketing system, chemical manufacturing plants, petroleum refineries, coke byproduct plants, benzene storage and handling, and chemical plant fugitive emission sources. Of all benzene emissions, currently 80 percent of the nationwide benzene emissions are estimated to be from mobile sources and 20 percent from stationary sources. However, only stationary sources are subject to regulation under Section 112 of the Clean Air Act. Therefore, while benzene emissions from mobile sources are of concern from an agencywide regulatory standpoint, the proposed standards for

maleic anhydride plants were developed as a result of establishing priorities for the stationary sources above.

Maleic anhydride process vents were selected as a stationary source category of benzene emissions for regulation for a combination of two reasons. First, maleic anhydride plants account for 35 percent of all stationary source emissions of benzene and are by far the largest source of benzene emissions in the chemical manufacturing industry. Second, estimates of cancer incidence and risk to the most exposed population have been calculated for stationary source categories of benzene emissions. All these source categories were then ranked from high to low, first for incidence and then for risk to the most exposed population. When both incidence and risk were weighed together, maleic anhydride process vents ranked as one of the higher priority source categories for regulation.

Selection of Sources Within Maleic Anhydride Plants to be Regulated

Maleic anhydride is produced primarily by benzene oxidation and to a lesser extent by n-butane oxidation. A small amount is also recovered as a byproduct from phthalic anhydride manufacture. Benzene is not used in the n-butane oxidation process or in phthalic anhydride manufacture and is not believed to be emitted to the atmosphere from these processes. The standard technically applies to all maleic anhydride plants. However, because no benzene is believed to be emitted from sources that do not use benzene as a feedstock, these source are not subject to the testing, continuous monitoring, or excess emissions reporting requirements included in the standard.

The proposed standard would apply to plants that produce maleic acid, maleic anhydride, or both as an intermediate, as well as to plants that produce maleic acid, maleic anhydride, or both as an end product. The economic and environmental impact analyses for the proposed standard include only those plants that produce maleic acid, maleic anhydride, or both as an end product because EPA only recently learned about the existence of one plant that produces maleic acid as an intermediate in the manufacture of fumaric acid. Although the plant was not included in the assessment of the environmental and economic impacts of the proposed standard, it is covered by the proposal because available information indicates that there is no technical reason to exclude it. The process, emission sources, and appropriate control technology appear

to be the same as for the other plants that produce maleic acid, maleic anhydride, or both as an end product. This plant will be included in the assessment of the impacts of the standard at the time of promulgation.

The sources of potential benzene emission to the atmosphere from plants using the benzene oxidation process and the quantity of benzene each emits at an average or model plant (producing 22,700 Mg/yr [50,000,000 lb/yr] of maleic anhydride) are:

Source	Emission rate	
	(kg/hr)	(lb/hr)
Product recovery absorber	190	420
Refining system	(¹)	(¹)
Storage and handling	1.8	4
Fugitive	0.8	1.8

¹ Undetermined

(These emission rates are based on the industry average benzene conversion rate in the reactor of 94.5 percent.)

The proposed standard would cover the maleic anhydride production unit, which includes the reactor; the product recovery absorber, which emits over 98 percent of the benzene emissions; and the refining system. The product recovery absorber consists of equipment in which a gas stream from the reactor containing maleic anhydride or maleic acid is contacted with an absorbent liquid to recover the maleic anhydride, maleic acid, or both as a mixture. The refining system consists of equipment used to keep refining columns, single- or multiple-effect evaporators, crystallizers, and other unit separation process equipment under negative pressure. The refining system emits only small quantities of benzene; however, because it has a small flow rate, it can easily be controlled by the same control device used for the product recovery absorber with minimal additional expense.

Fugitive, secondary, and storage and handling benzene emissions are being considered for regulation by generic benzene standards. These generic benzene standards would apply to a large number of similar chemical industries and processes that emit benzene. This approach would be taken to reduce the number of standards required to cover essentially the same benzene emission sources in several different industries. Consequently, fugitive, secondary, and storage and handling emissions are not covered in this standard.

The proposed standard would cover any facility that uses benzene to manufacture at least 500 megagrams (550 tons) of maleic acid, maleic

anhydride, or both annually. This number was picked as a cutoff to differentiate between commercial-sized plants and laboratory facilities. Existing commercial-sized plants produce more than 500 megagrams (550 tons) each year.

Selection of Regulatory Options

Three alternative emission control techniques were examined for maleic anhydride plants. The first of these techniques, conversion to n-butane as the feedstock, represents the use of a substitute. The other two alternatives, control of benzene by recovery or oxidation through the use of carbon adsorption or incineration, represent add-on controls.

The n-butane oxidation process uses n-butane in place of benzene as the feedstock in producing maleic anhydride. Because the process is believed to have no benzene emissions, conversion of benzene-based plants to use n-butane as the feedstock can be considered a control technique that potentially eliminates benzene emissions. The benzene and n-butane processes appear similar. In both processes, the feedstock enters a reactor where it is oxidized with the aid of a catalyst to curd maleic anhydride, which is then passed through a series of refining columns and collected as a finished product. Conversion to n-butane as a feedstock would require at a minimum the installation of a different catalyst and the installation of new feedstock storage tanks where n-butane can be kept as a liquid under pressure or as a refrigerated liquid at atmospheric pressure. Little information is available, however, to indicate what, if any, other process changes might also be required or what their impacts would be.

Carbon adsorption and incineration can achieve various levels of control, depending on the design and operation of the devices. Factors influencing the efficiency of carbon adsorption systems for benzene control at maleic anhydride plants include: (1) the relative humidity of the incoming waste gas stream, (2) the presence of other organic compounds that may interfere with benzene adsorption or that may form polymeric materials on the carbon beds, (3) the temperature of the beds during adsorption, (4) the efficiency of the steam regeneration, (5) the dryness of the bed, (6) the carbon bed size, (7) the number of beds, and (8) the cycle time. A well-designed carbon adsorption unit at a maleic anhydride plant should have a preheater to lower the relative humidity of the incoming gases since they are normally saturated with water and should use a caustic scrubber for

removing most of the other organics in the gases. After regeneration, the carbon bed, which is hot and saturated with water, should be cooled and dried by blowing organic-free air through it. The cooling air should be recycled to the carbon adsorption system. The bed size, number of beds, and cycle times can be varied to achieve the desired removal efficiency.

Two maleic anhydride plants currently use carbon adsorption. The system at one maleic anhydride plant for which data are available is reported to achieve a benzene removal efficiency ranging from 85 to 95 percent. This system does not use an organic-free air stream to cool and dry the beds after regeneration with steam. Immediately after regeneration, the waste gas stream containing benzene is directed to the hot bed. Consequently, until the bed cools and dries, benzene removal efficiency is low. This partially accounts for the relatively low overall benzene removal efficiency.

Factors influencing the efficiency of an incinerator are temperature, degree of mixing, and residence time in the combustion chamber. For maleic anhydride plants, a knockout demister tank is required ahead of the incinerator to prevent entrained liquid droplets from reaching the burner area. Supplemental fuel is required to maintain the necessary combustion temperature. Supplemental combustion air may also be required, if the incoming gas stream is not preheated. A temperature of 870° C (1,600°F) is required to ensure complete combustion of the waste gas, although it is possible that greater than 99 percent benzene removal can be obtained at lower temperatures in some cases.

Two maleic anhydride plants in the United States that use benzene as a feedstock control the product recovery absorber emissions with combustion. The first plant routes the waste gas stream from the product recovery absorber through a waste heat boiler. This system is reported by the plant's owner to achieve a benzene removal efficiency as high as 99 percent. The combustion temperature is about 1,090° C (2,000° F), and the residence time is 0.6 second. A waste heat boiler, however, is only a viable control technique when there is a need for the additional steam. Maleic anhydride plants generally produce a surplus of steam.

The second plant controls the product recovery absorber waste gas stream with a thermal incinerator that operates at 760° C (1,400°F) and has a residence time of 0.7 second. Emission test data indicate that a sustained benzene

removal efficiency of about 97 percent is achievable.

Engineering experience with similar applications for the control of volatile organic chemicals indicates that a thermal incinerator can be designed and operated with a benzene removal efficiency of greater than 99 percent. Limited information is available concerning direct-flame afterburners used on maleic anhydride production facilities, but there are several cases in which streams similar to the product recovery absorber and refining system vent gas have been controlled at very high efficiencies. In one case, data reported for toluene indicate a removal efficiency of 99.9 percent at 766° C (1,410° F) and a residence time of 0.21 second. A second facility incinerates a toluene-xylene fume at 760° C (1,400° F) and is reported to achieve a destruction efficiency of 99.1 percent. A third installation also reports a removal efficiency greater than 99.8 percent at 760° C (1,400° F) for an organic stream considered as toluene. In addition, a review of several studies of incinerators indicates that combustion efficiencies less than 95 percent were achieved, except in one case, at temperatures of 730° C (1,350° F) or lower. Conversely, efficiencies greater than 99 percent were achieved at temperatures of 760° C (1,400° F) or higher.

Finally, recent laboratory studies on the thermal incineration of benzene show high benzene destruction efficiencies, which depend on temperature. Instrumentation with a benzene detection limit of two parts per million by volume (ppmv) showed no residual benzene in gas streams following incineration at temperatures above 790° C (1,450° F) with residence times as low as 0.08 second.

The available information from the preceding paragraphs indicates that a conservatively designed and well-operated incinerator would be expected to consistently achieve at least 99 percent control of benzene at an operating temperature of about 870° C (1,600° F) and a residence time of 0.5 second.

These three emission control techniques for reducing benzene emissions from maleic anhydride plants lead to the following regulatory options:

(1) 97 percent benzene control, based on the best demonstrated level of control that is now being achieved at an existing maleic anhydride plant and that is universally applicable to any existing plant;

(2) 99 percent benzene control, based on technology transfer; and

(3) No detectable benzene emissions, based on conversion to n-butane as a feedstock.

Little information is available on what would be required to convert each existing benzene-based plant to an n-butane-based plant, or what the consequences of such a conversion would be. Based on the limited information available, it appears that considerable effort continues to be directed towards developing n-butane technology, particularly the catalyst. Only the existing Amoco plant was originally designed to use n-butane as a feedstock. Problems associated with converting existing plants to n-butane include: (1) potentially significant reductions in maleic anhydride production when current n-butane catalyst technology is combined with equipment designed for benzene as the feed stock, and (2) unsatisfactory operation resulting from equipment changes needed in the refining system. Because of uncertainties concerning the feasibility of converting each existing source to n-butane and the impacts of such conversion, this approach is not considered a viable regulatory option for existing sources based on best available technology (considering environmental, energy, and economic impacts) (BAT).

The use of n-butane as a feedstock, however, is considered a viable regulatory option for new sources. Because the industry was operating at only 56 percent of capacity in 1978, few new sources are expected to be built until the mid-1980's. This allows time for continued development of the n-butane process. Furthermore, a new plant could be designed to use n-butane and would therefore not encounter the potential problems associated with conversion. In fact, one company has recently announced the construction of a new 45,400-Mg/yr (50,000 tons/yr) maleic anhydride plant based on their proprietary n-butane technology, which is scheduled for completion in early 1983.

In summary, only two of the three options outlined above were considered viable regulatory options that could serve as the basis for a standard for existing sources based on BAT. These two regulatory options are designated: Option 1, 97 percent benzene control, and Option 2, 99 percent benzene control. For new sources, a regulatory option of no detectable benzene emissions (100 percent control) is considered a viable option as the basis for a standard based on BAT.

Selection of Basis of Proposed Standard—Existing Sources

One should note that neither Option 1 nor Option 2 specifically requires the

use of carbon adsorption or incineration for control of benzene emissions from existing sources, nor would conversion to n-butane specifically be required for new sources. However, these control techniques were found to be feasible and were used as the probable control methods in estimating the environmental, energy, and economic impacts of the regulatory options. Environmental, energy, and economic impacts were determined from a baseline assuming some benzene control. The numbers calculated for nationwide impacts are based on the assumption that all existing plants that have been using benzene as a feedstock will continue to be in operation and will continue to use benzene as a feedstock. Recently, one of these plants had indicated that is closing at least temporarily, and two of the plants have indicated they are investigating the possibility of converting to n-butane. If these changes occur, the numbers presented here for nationwide impacts on emissions, energy, and economics would be reduced. The impacts are summarized as follows.

Environmental Impact

The maleic anhydride industry was operating at only 56 percent of capacity in 1978 but is expected to be operating at 100 percent of capacity by the end of 1982. As the maleic anhydride industry increases production from 56 to 100 percent, nationwide unregulated benzene emissions would increase from about 3,300 Mg/yr to 5,800 Mg/yr (3,630 tons/yr to 6,380 tons/yr) based on 8,000 hours of operation per year. The term "unregulated" refers to the current level of control of benzene emissions from maleic anhydride plants. Some of these plants now practice some benzene control both voluntarily and in compliance with other standards but are not yet regulated by a national emission standard.

Option 1 would reduce nationwide benzene emissions from the maleic anhydride industry operating at 56 percent of capacity to about 650 Mg/yr (720 tons/yr) and operating at full capacity to 940 Mg/yr (1,030 tons/yr). Option 2, the more stringent option, would reduce nationwide benzene emissions to 440 Mg/yr (480 tons/yr) at 56 percent of capacity and 490 Mg/yr (540 tons/yr) at full capacity.

For the purpose of comparing the environmental impacts associated with no standard, Option 1, and Option 2 for an individual maleic anhydride plant, a model plant (i.e., and average-sized plant with a capacity of 22,700 Mg/yr [25,000 tons/yr]) was used. The total uncontrolled benzene emissions from

the model plant—including the product recovery absorber, refining system, and fugitive, storage, and handling emission sources—are estimated to be 1,500 Mg/yr (1,650 tons/yr) at 56 percent of capacity and 2,800 Mg/yr (3,080 tons/yr) at full capacity. The total benzene emissions for the model plant under Option 1 are estimated to be 77 Mg/yr (85 tons/yr) when the plant is operating at 56 percent of capacity and 110 Mg/yr (120 tons/yr) when the plant is operating at 100 percent of capacity. The benzene emissions under Option 2 are estimated to be 46 Mg/yr (50 tons/yr) at 56 percent of capacity and 60 Mg/yr (66 tons/yr) at full capacity. The estimates for Options 1 and 2 assume that fugitive and storage emissions are uncontrolled.

A dispersion model was used to project ambient benzene concentrations attributable to uncontrolled emissions, emissions regulated to meet Option 1, and emissions regulated to meet Option 2. The projected maximum annual average benzene concentration for an uncontrolled model maleic anhydride plant occurred at a distance of 0.3 kilometer (330 yards) from the plant and was 0.01 ppmv. For either Option 1 or Option 2, the maximum benzene concentration occurred at 0.1 kilometer (110 yards) from the plant and was 0.006 ppmv under either option.

If an incinerator were used to comply with a standard based on either Option 1 or 2, it would emit nitrogen oxides (NO_x), less carbon monoxide (CO) than an uncontrolled plant, possibly some particulates, and sulfur oxides (SO_x). Under either option, emissions of NO_x are roughly estimated to be increased by about 10 Mg/yr (11 tons/yr) at a model maleic anhydride plant. If all plants were to install incinerators, nationwide emissions of NO_x would be increased by an estimated 65 Mg/yr (72 tons/yr). If an incinerator were used to control benzene, it would also control CO emissions from the process and their would be a net reduction rather than an increase in CO emissions.

If natural gas were used as the auxiliary fuel for incineration, the increase in particulate and SO_2 emissions would also be negligible. It is possible, however, that gas would be unavailable for incineration in some locations. In these locations, fuel oil could be used, and depending upon the type of fuel oil, there could be an increase in SO_2 and particulate emissions. Assuming, for example, a fuel oil of 0.3 percent by weight of sulfur were used, SO_2 emissions at a typical maleic anhydride plant would increase by about 5 Mg/yr (5.5 tons/yr) under Option 1 and about 15 Mg/yr (17 tons/

yr) under Option 2. If all plants were to install incinerators burning fuel oil of this sulfur content, nationwide emissions of SO_2 would be increased by about 50 Mg/yr (55 tons/yr) under Option 1 and about 110 Mg/yr (120 tons/yr) under Option 2. These adverse air impacts are considered small in light of the alternative of unregulated benzene emissions.

Incineration does not lead to any wastewater effluents requiring disposal. Consequently, there would be no adverse water pollution impacts associated with a standard based on either Option 1 or 2, if incineration were used to comply with the standard.

A wastewater stream containing benzene is associated with using a carbon adsorption system. However, the organic load of the wastewater from carbon adsorption is less than 10 percent of the total organic liquid waste load from a model maleic anhydride plant. The wastewater stream from a carbon adsorption system could be recycled to the product recovery absorber or treated along with the other plant effluent since the organic liquid effluent from a carbon adsorber system is similar in character to the other waste liquid streams from the process. The organic liquid effluent resulting from the use of a carbon adsorption system is therefore estimated to have an insignificant incremental impact on water pollution.

Maleic anhydride plants typically have a wastewater treatment facility to handle process effluents containing organics. Benzene is biodegradable and could be handled in such a treatment plant. However, this wastewater could become a secondary source of benzene emissions, if the benzene were to evaporate to the atmosphere during treatment. If all the benzene were to evaporate, the benzene emissions from wastewater at a model plant would be about 40 Mg/yr (44 tons/yr). The possibility of regulating air emissions from wastewater treatment is scheduled for future study.

The only potential impact on solid waste disposal associated with either Option 1 or 2 is the handling of spent carbon from carbon adsorption systems. Typically, rather than being disposed of in a landfill, spent carbon is reclaimed and regenerated at special facilities. If, however, spent carbon were disposed of in a landfill, the amount of solid waste from this source would be about 7,400 kg/yr (3.4 tons/yr) and 7,600 kg/yr (3.5 tons/yr) from a model maleic anhydride plant using this control technique to achieve compliance with a standard based on Options 1 and 2, respectively. As mentioned previously, however, it is

likely that the spent carbon would be reclaimed, and there would be no impact on solid waste disposal under their Option 1 or 2.

Energy Impact

Although process heaters are required at startup and during some operations, the heat released from the oxidation of benzene and other compounds in the reactor during normal operations produces a small energy surplus of about 15 kilojoules (kJ) per kilogram (6.5 Btu/lb) of maleic anhydride produced. For the model plant with a production capacity of 22,700 Mg/yr (25,000 tons/yr), the energy surplus would be about 340 gigajoules (GJ) (322,000 Btu) per year.

Carbon adsorption requires energy in the form of steam to desorb the benzene from the carbon and electrical energy for pumps and other equipment. The energy requirement for a model maleic anhydride plant using carbon adsorption to meet a standard based on Option 1 would be about 85,000 GJ/yr (80.6×10^6 Btu/yr) and to meet a standard based on Option 2, it would be about 90,000 GJ/yr (85.3×10^6 Btu/yr).

Thermal incineration requires energy directly as fuel. If a typical maleic anhydride plant used thermal incineration to meet a standard based on Option 1, the energy required would be about 45,000 GJ/yr (42.7×10^6 Btu/yr) and to meet Option 2, it would be about 95,000 GJ/yr (90.0×10^6 Btu/yr), assuming 50 percent heat recovery.

Assuming that half the existing maleic anhydride plants that required additional controls used carbon adsorption and that half used thermal incineration to comply with a standard based on Option 1, the impact of the standard would be an increase in national energy consumption of about 310,000 GJ/yr (293.8×10^6 Btu/yr). This is equivalent to about 50,000 barrels of fuel oil per year. The impact of a standard based on Option 2 under the same assumption would be an increase in national energy consumption of about 525,000 GJ/yr (497.6×10^6 Btu/yr). This is equivalent to about 85,000 barrels of fuel oil per year. These impacts are considered small; compared to U.S. oil imports in 1978 of 3.0 billion barrels of oil, they are negligible.

Economic Impact

Control equipment costs were developed from a baseline of current controls. When costs were developed, it was assumed that existing control systems that are currently not meeting the level of the standard under Option 1 or Option 2 could not be upgraded and would have to be replaced with new

control systems. Capital cost estimates were also based on control equipment designed to handle the waste gases from the product recovery absorber and refining system when operating at full production capacity. Cost estimates are considered accurate to ± 30 percent.

For a model uncontrolled maleic anhydride plant with a capacity of 22,700 Mg/yr (25,000 tons/yr), compliance with a standard based on Option 1 would require a capital cost between \$1.16 and \$1.40 million, and compliance with a standard based on Option 2 would require a capital cost of about \$1.22 to \$1.44 million. The range in these estimates reflects the difference between using carbon adsorption and incineration as the control technique. These costs would increase the total capital expenditures of the average company that manufactures maleic anhydride by less than 1 percent. However, it should be noted that maleic anhydride sales generally represent less than 1 percent of the total sales for the average company that manufactures maleic anhydride.

Total annualized costs would be increased by about \$354,000 to \$442,000 per year for the model plant meeting a standard based on Option 1, depending on whether incineration or carbon adsorption were used as the control technique. If these costs were passed forward completely, the price of maleic anhydride would increase by about 1.2 percent, assuming current price levels and operation at 100 percent capacity.

Total annualized costs would be increased by about \$369,000 to \$600,000 per year for the model plant meeting a standard based on Option 2, depending on whether incineration or carbon adsorption were used as the control technique. If these costs were passed forward completely, the price of maleic anhydride would increase by about 1.7 percent, assuming current price levels and operation at 100 percent capacity.

In terms of national impact, Option 1 would require five plants to install controls. Total nationwide capital costs would be about \$6.6 million. Option 2 would require at least seven plants to install control systems. Total nationwide capital costs under Option 2 would be about \$9.1 million.

The increase in the industry's total annualized cost, assuming continued operation at 56 percent of capacity, would be about \$2.2 million per year under Option 1 and about \$3.9 million per year under Option 2. Assuming operation at 100 percent of capacity, total annualized industry cost would be increased by about \$2.5 million per year under Option 1 and about \$4.5 million per year under Option 2.

The impact of a benzene standard on the price of maleic anhydride would depend on at least two factors: (1) the percentage of capacity at which the industry is operating, and (2) the variation among companies with regard to price increases needed to fully pass through control costs.

In 1978, the industry was operating at 56 percent of capacity, and supply was substantially greater than demand. It is expected that demand will equal present listed capacity by the end of 1982 or sooner. The increased demand could reduce the competitiveness within the industry and allow maleic anhydride prices to increase to pay for control costs. Because controls to meet the standard would not have to be in operation before at least January of 1981, the potential price increases presented here are based on 100 percent utilization of listed capacity.

The price increase needed to fully pass through control costs varies from plant to plant. The estimated price increases presented here for Options 1 and 2 are averages of the price increases that would be necessary for all the companies to fully recover their costs. This means that these estimated price increases would allow some companies to fully recover their control costs but would require other companies to absorb some of the costs. Companies that do not use benzene to make maleic anhydride or that already have control systems that would meet an option would incur no control costs and would not need a price increase. When the price increases for maleic anhydride were estimated, consideration was given to these plants with little or no control cost by averaging the price increases they would need to recover costs in with the price increases needed by the other companies.

Based on the assumptions discussed above, maleic anhydride prices would be expected to increase from a list price of 88¢/kg (40¢/lb) by about 1.2 percent if the standard were based on Option 1 and by about 1.7 percent if the standard were based on Option 2. There are two reasons for the differences in these estimated price increases. First, the cost of a control device to meet Option 2 is greater than for a control device designed to meet Option 1. Second, fewer plants would have to install controls to meet a standard based on Option 1 as opposed to Option 2.

Maleic anhydride is used in the manufacture of polyester resins, fumaric acid, and malathion. Any price increase in maleic anhydride is expected to be reflected in the price of these goods.

Based on an evaluation by EPA, one plant may close due to control costs

regardless of the level of control selected as the basis for the standard. Based on conversations with representatives from another company and an independent evaluation by EPA, a second plant could close because of control costs if the standard is based on 99 percent control. Because this plant already has an incinerator that can attain 97 percent control, it would not cease to manufacture maleic anhydride if the standard is based on that control level.

This company expressed concern that, for a combination of reasons, it could not finance the control system that it would need at the 99-percent control level. One reason is that it could not pass through all the costs of control. The fact that the industry is expected to be operating at less than listed capacity when the company would need to begin making expenditures for control equipment would make it difficult to increase the price of maleic anhydride to compensate for those control costs. Furthermore, because this company has not been identified as a price leader, it may have to absorb some of the control costs even after the industry begins to operate closer to listed capacity. Also, the company is located in Texas and has to compete with imports of maleic anhydride from Mexico. A second reason the company probably cannot afford the controls is that within the last 4 years it has made a major capital outlay for the control device that meets the 97-percent control level, and it is still recovering from this investment. Furthermore, this company only makes two products, and maleic anhydride represents one-third of its sales. For other companies, maleic anhydride sales generally represent less than 1 percent of total sales. The product mix factor limits the ability of this company to use the profits from other operations to finance controls for the maleic anhydride plant.

This plant was originally designed to use 2-butene rather than benzene as the feedstock and has recently obtained a State permit to use n-butane. At least initially this company is planning to convert part of its capacity to n-butane on an experimental basis; it is uncertain whether it will convert to n-butane on a permanent basis. The company converted one reactor to n-butane on an experimental basis in 1975 and 1976 but converted back to benzene due to technical problems with the process and catalyst instability. If the plant did convert to n-butane on a permanent basis, it would not be affected by a benzene standard and would probably not close. If the plant could not

successfully convert to n-butane and the standard were based on 99 percent control, the plant might have to close.

If both of these maleic anhydride plants closed, approximately 50 employees could lose their jobs. If the plant projected to close at either control level were the only plant to close, about 20 employees could lose their jobs. Because these employees would be petrochemical workers and both plants are located in areas with numerous other petrochemical plants (Texas and New Jersey), it is possible they could find employment in the same areas. Also, one of the companies is very large and may be able to relocate the employees from the maleic anhydride plant within the company.

In summary, it is estimated that a standard based on 99 percent control would result in total capital costs of about \$9.1 million, an increase in total annualized costs of about \$4.5 million, a potential price increase in maleic anhydride of 1.7 percent, an increase in energy usage of 85,000 barrels (bbl) (525,000 GJ/yr or 497.6×10^6 Btu/yr) of oil per year, and as many as two projected plant closures. A standard based on 97 percent control would result in total capital costs of about \$6.6 million, an increase in total annualized costs of about \$2.5 million, a potential price increase in maleic anhydride of 1.2 percent, an increase in energy usage of about 50,000 bbl (310,000 GJ/yr or 293.8×10^6 Btu/yr) of oil per year, and as many as one projected plant closure.

In selecting best available technology (considering environmental, energy, and economic impacts) (BAT), the Administrator examined the impacts discussed and arrived at the following conclusions. First, control in the range of 97 percent is the best demonstrated control that has been achieved at an existing maleic anhydride plant with a control system that is applicable to all other existing plants. Higher levels, such as 99 percent, are believed to be technically feasible, but only with technology transfer and at a higher cost and energy use. Second, one plant that is not projected to close if the standard were based on 97 percent control is projected to close at the 99-percent control level if it cannot successfully convert to n-butane. Based on these two considerations, the Administrator selected the 97-percent control option as BAT.

After the 97-percent option was identified as BAT for existing sources, the estimated risks remaining after application of BAT were examined to determine whether they are unreasonable in view of the health benefits and costs that would result if a

more stringent option were applied. The number of estimated leukemia deaths remaining after application of BAT to existing sources is estimated to range from 0.03 to 0.19 per year.* Fifty percent of these residual deaths would result from fugitive, secondary, and storage and handling emissions, which will be considered for regulation at a later date. After application of BAT to existing sources, the remaining estimated maximum lifetime risk of acquiring leukemia is estimated to range from 5.8×10^{-6} to 41×10^{-6} for the most exposed group living around a model uncontrolled maleic anhydride plant. Fugitive emissions, which are not covered by the recommended standard, are the predominant contributors to these risks. Maximum lifetime risk is the probability of someone contracting leukemia who is exposed to the highest maximum annual average benzene concentration for a period of 70 years. Farther from the plant, where process vents are the predominant contributors to risks, a standard based on BAT for existing sources would result in an estimated residual maximum risk caused by emissions from process vents only from 0.5×10^{-6} to 3.5×10^{-6} .

The Administrator considered two control levels beyond BAT for existing sources: 99 percent control, and the use of a feedstock other than benzene in the manufacture of maleic anhydride (100 percent control). Requiring 99 percent control instead of 97 percent control would reduce the estimated incidence of leukemia deaths within 20 km of maleic anhydride plants from a range of 0.03 to 0.19 per year to a range of 0.02 to 0.14 per year. It would reduce the estimated maximum lifetime risk at the point of maximum exposure caused by emissions

from the process vents from a range of 0.5×10^{-6} to 3.5×10^{-6} to a range of 0.1×10^{-6} to 1.0×10^{-6} , while the maximum lifetime risk caused by emissions from all sources within a plant would remain unchanged.

On the other hand, requiring 99 percent control rather than 97 percent control would increase the capital cost from \$6.6 to \$9.1 million, the total annualized cost from \$2.5 to \$4.5 million, and the percentage increase in maleic anhydride prices from 1.2 to 1.7. It would also result in as much as one additional projected plant closure.

Requiring the use of a feedstock other than benzene in the manufacture of maleic anhydride would decrease both the estimated incidence of leukemia cases and the estimated maximum lifetime risk to zero. As discussed previously, a great deal of uncertainty exists concerning the technological changes required to convert each existing source to an alternate feedstock and the resulting economic impacts.

In view of the relatively small health benefits that would be gained with the additional costs (including as many as one additional projected plant closure) of requiring 99 percent rather than 97 percent control for the process vents and the uncertain economic impacts if a substitute feedstock were required for existing maleic anhydride sources, the Administrator concluded that the risks remaining after application of BAT to existing sources are not unreasonable. Therefore, the Administrator decided not to require more stringent control than BAT for process vents. This decision does not preclude future regulation of fugitive, storage, and secondary emission sources, which are major contributors to the residual risk.

Selection of Basis of Proposed Standard—New Sources

Requiring 100 percent control based on the use of an alternative feedstock, such as n-butane, is considered to be a viable BAT option for new sources because some of the previously discussed problems associated with converting existing sources to n-butane would not be present. In considering this option, the Administrator examined the potential safety, environmental, and economic impacts of that action to the extent possible given limited information.

The use of n-butane would result in no significant changes in the safety of the process and would slightly increase the overall safety of maleic anhydride production. For example, a higher concentration of n-butane (as compared to benzene) is required for an explosion to occur. In addition, inhalation of and

*The ranges contained in this preamble represent the uncertainty due to estimates that had to be made concerning the levels of benzene to which workers were exposed in the Infante, Aksoy, and Ott studies that served as the basis for developing the benzene risk factor. The ranges are based on a 95-percent confidence interval that assumes the estimated concentrations to which the workers are exposed vary within a factor of two. In addition, there are other sources of uncertainty. The deaths were calculated based on extrapolation of leukemia risk associated with a healthy white male cohort of workers to the risk associated with the general population, which includes men, women, children, infants, the aged, nonwhites, and the unhealthy. Also, the number of deaths includes consideration of only one effect of benzene, leukemia. Benzene may cause aplastic anemia, cytopenias, and the development of chromosomal aberrations. In addition, the benefits to the general population of controlling other types of emissions from maleic anhydride manufacture have not been quantified. Furthermore, ambient benzene concentrations used to calculate the excess risks and deaths were derived from an atmospheric dispersion model with an error of a factor of two. Finally, there are inherent errors in estimating the population within 20 kilometers of existing plants.

exposure to n-butane by workers is less hazardous than exposure to benzene. n-Butane is already used as a feedstock for similar situations within the petrochemical industry.

There are two potentially adverse environmental impacts of requiring the use of n-butane in place of benzene as the feedstock for new sources. These include possible increased benzene emissions from gasoline marketing and increased volatile organic compound emissions. If eliminating benzene as a feedstock for new sources resulted in the addition of more benzene to gasoline, the incremental increase in total benzene emissions from gasoline marketing would be greater than if the benzene were used at a controlled maleic anhydride plant.

Because existing sources can continue to use benzene as a feedstock, only the benzene that would have been used at new sources would be of concern. Currently, benzene demand often exceeds the available supply; this situation is expected to continue through the 1980's. Consequently, the benzene that would be used at new sources, if there were no standard, is not currently being produced, and if new maleic anhydride plants wanted to use benzene as their feedstock, an increase in benzene demand would result.

Typically, when demand for benzene fluctuates, supply is adjusted by changing the level of production from the most expensive source. If benzene were not prohibited as a feedstock for new sources and there was little, if any, slack in the benzene supply, the additional benzene required would probably be supplied by toluene hydrodealkylation (HDA). HDA is the most expensive benzene production method and changes in benzene demand can be accommodated by changing the volume of benzene production from HDA. HDA production currently represents 25 to 30 percent of benzene production. Since existing maleic anhydride plants currently use 3 percent of the benzene produced, the HDA process should be able to accommodate fluctuations in demand for benzene caused by maleic anhydride producers.

If chemical process industries know that benzene will not be used as a feedstock for maleic anhydride production, they will presumably adjust their projections of future benzene demand. Additional benzene production capacity would be adjusted to reflect this decrease in demand for benzene as a feedstock for new maleic anhydride sources.

Thus, based on these considerations, it was concluded that the proposed standard would be unlikely to result in

more benzene being added to the gasoline pool.

Although few data are available on the quantity and composition of the emissions of volatile organic compounds (VOC) from an n-butane-based plant, preliminary information indicates that total uncontrolled VOC emissions are higher than for a benzene-based plant. At present, there is no nationwide requirement to control the emissions from the n-butane oxidation process for maleic anhydride production. However, VOC emissions are currently controlled by State regulations where new n-butane-based plants are likely to be constructed. In addition, EPA is beginning work on a new source performance standard under Section 111 of the Clean Air Act for all air oxidation reactions in the organic chemical industry. This standard is anticipated to cover maleic anhydride production from n-butane.

The potential economic impacts of requiring n-butane include impacts on: (1) domestic licensors of n-butane and benzene technology, (2) availability and price of n-butane and benzene feedstocks, and (3) the economic life of existing maleic anhydride plants.

Only one domestic licensor of maleic anhydride technology exists. This licensor licenses both the benzene and n-butane processes. Abroad, there are five licensing companies. Of those five, only one licenses both benzene- and n-butane-based technology, while the other four solely license the benzene-based process. The U.S. licensor would probably maintain its foreign business because an EPA requirement would not affect usage of benzene-based technology abroad. However, the company's domestic business would depend on the competitive status of its n-butane catalysts at the time that benzene replacement is mandated. Because catalyst technology is usually a closely held company secret, the companies developing such catalysts and their rates of success with new catalysts have not been determined.

Use of n-butane as a feedstock can lead to as much as a 7.3¢ cost reduction per kilogram over benzene feedstock costs. This difference in feedstock costs is not expected to lessen in the next 10 years and may even increase. Supplies of n-butane are expected to exceed demand through 1990, while benzene demand will probably continue to exceed supply.

Requiring the use of n-butane for new sources would not affect the economic life of existing plants. Because of the cost advantage associated with using the n-butane feedstock, maleic anhydride manufacturers are likely to

decide to use the n-butane process for new sources regardless of an EPA mandate to do so. For example, the only new maleic anhydride plant announced in recent years will be a 45,400-Mg/yr (50,000 tons/yr) plant based on proprietary n-butane technology. Construction is expected to be completed in 1983. Consequently, any impacts that occur on the economic life of existing plants from new plants using n-butane cannot be directly attributed to the EPA mandate.

In summary, the potential safety, environmental, and economic impacts associated with requiring new sources to use an alternative feedstock such as n-butane are minimal. Consequently, 100 percent control has been selected as BAT for new sources. Because this level of control is expected to result in no benzene emissions, it is not necessary to consider a level of control beyond BAT for new sources.

Excess Emissions

Because experience indicates that control systems are not 100 percent reliable, control system malfunctions and associated emissions in excess of the numerical emission limit for existing sources can be expected to occur at maleic anhydride plants. Even if a maleic anhydride source were shut down because of control system malfunction, there would still be emissions in excess of the level of the numerical emission limit during shutdown. For an average-sized plant with a capacity of 22,700 Mg/yr (25,000 tons/yr) and three reactors, it is estimated that 250 kilograms (550 pounds) of excess benzene emissions would occur during a controlled shutdown, assuming the plant is operating at the average benzene conversion rate of 94.5 percent. Although the benzene feed to a reactor could be stopped immediately, the benzene in the system would have to be purged to the atmosphere, which generally takes 15 to 20 minutes. Furthermore, if a plant had more than one reactor, the reactors would probably have to be shut down sequentially to avoid damaging the equipment. Most control system malfunctions at maleic anhydride plants can be repaired relatively quickly, within 12 hours at a maximum. Occasionally, a control system malfunction requiring extensive repair time can occur.

The Administrator considered four different regulatory options for the treatment of emissions in excess of the level of the numerical emission limit due to control system malfunctions at maleic anhydride plants: (1) allowing unlimited excess emissions, (2) requiring plants to

shut down during control system malfunctions or to have no more emissions than if they did shut down, (3) requiring installation of a flare, and (4) allowing no excess emissions (i.e., essentially requiring installation of a backup control system that is equally efficient to the primary control system). The Administrator considered options only for treatment of excess emissions during control equipment failures. He did not consider allowing excess emissions during routine startup or shutdown or during process equipment failures based on the judgment that the air pollution control equipment at maleic anhydride plants is capable of preventing excess emissions during these periods.

The Administrator eliminated Options (1) and (3) based on a preliminary analysis. Option 1, allowing unlimited uncontrolled emissions during control system malfunctions, could significantly increase total mass emissions per year. For example, one existing maleic anhydride plant has had a control system malfunction that took about a year to repair. Although such events are expected to be rare, allowing uncontrolled emissions of benzene from maleic anhydride plants for this period of time was not judged appropriate. The next most stringent option (i.e., requiring plants to shut down or have no more emissions than if they shut down), could result in lost production but does not appear to be economically prohibitive. Therefore, the option of allowing unlimited excess emissions during control system malfunctions was not analyzed further.

The option of requiring a flare during a control system malfunction at first appeared to be a desirable option because flares could achieve some emission reduction during malfunctions of primary control systems and yet are generally less expensive than control systems such as incinerators and carbon adsorbers. However, traditionally, flares have not been used on sources, such as maleic anhydride plants, which have high-volume, low-concentration exiting gas streams. The control efficiency is not known but is expected to be considerably less than that of an incinerator or carbon adsorber for a high-volume, low-concentration stream. In addition, considerable quantities of natural gas would be required to flare the dilute waste gas stream found at maleic anhydride plants. The waste gas stream contains about 98 kcal/m³ (11 Btu per standard cubic foot [SCF]), which is well below the levels for efficient use of flares. Therefore, up to 19,800 m³/hr (700,000 SCF/hr) of natural

gas would be required to operate the flare. Also, the flare would need to be operated from 5 to 20 hours per month in order to ensure rapid startup during control system malfunctions and to maintain it in efficient operating condition. This would require additional energy. For these reasons, the use of a flare during control system malfunctions did not appear to be a desirable control option for sources such as maleic anhydride plants, which have high-volume, low-concentration waste gas streams.

Consequently, two regulatory options were further analyzed: Option 2, requiring plants to shut down during control system malfunctions or to have no more emissions than if they did shut down; and Option 4, allowing no excess emissions.

In order to estimate the costs that would result from allowing excess emissions equal to uncontrolled shutdown emissions, data on the frequency and duration of control equipment failures at two maleic anhydride companies were obtained. One company uses incineration and the other uses carbon adsorption. The company with the incinerator has experienced about 15 relatively short-term control equipment failures a year. If the approach under consideration were implemented, this company's plant could be operated in a modified manner with a reduced production rate during most malfunctions and have no more emissions than if it were shut down. Possible costs include 15 to 42 hours of lost production per year. It is estimated that the net cost of lost production would be \$1,000 to \$1,500 per hour for a plant with a capacity of 22,700 Mg/yr (50,000 tons/yr). Whether the total annual production would actually be reduced because of such a regulation would depend on whether the plant was operating at less than full capacity and thus could compensate for the lost production. The probability of a malfunction requiring extended repairs and complete shutdown because of the proposed regulation appears small.

The company with the carbon adsorber has found that most control device failures affect only one of the three beds. Such failures can be handled by reducing feed rates and operating the remaining two beds normally while the affected bed is isolated and repaired. Complete control device failure usually takes only 1 to 4 hours to repair. Therefore, the only possible result of the option of allowing excess emissions equal to shutdown emissions for a plant with carbon adsorption is again possible reduced production.

Because of several factors, the total industry cost of lost production that may result if this option were implemented is difficult to quantify without doing a detailed plant-by-plant analysis. Ordinarily, plants do not operate at full capacity for extended periods of time due to market, maintenance, or other conditions. Consequently, the production foregone during the time required to repair the control system can, in many cases, be made up by increasing production rates after the repair is completed. The extent to which this can be done is expected to vary from plant to plant and from time to time within a plant. Other factors, such as the type of control system used, the design of the plant, the number of reactors within a plant, the use of the steam produced during maleic anhydride production, and the nature and extent of the control system malfunctions are expected to vary from plant to plant and will affect the magnitude of production revenue actually foregone for the entire industry.

However, if the option of allowing excess emissions equal to those of shutdown were adopted, the ensuing costs are anticipated to result in no additional plant closures. Also, because only production curtailment would be involved, energy impacts and negative environmental impacts would not increase in relation to normal operation.

For the option of allowing no excess emissions during control system malfunctions (i.e., essentially requiring backup control systems), the model plant would incur additional capital costs of about \$900,000 and an increase in annualized costs of about \$223,000 above those costs without backup. The total capital costs for the industry (for both a primary and backup control system) would be about \$13.9 million, the total annualized costs would be about \$4.4 million, and the maleic anhydride price would increase about 2.0 percent. Furthermore, the same plant, which already has a 97-percent efficient incinerator and which is projected to close if the standard were based on 99 percent control, is also projected to close if it were required to install a backup control system.

In selecting BAT, the Administrator first examined the option of allowing no excess emissions. This option would more than double the industrywide capital costs. The Administrator rejected this option as BAT because he considered the increase in capital costs grossly disproportionate to the emission reduction achieved and because the plant closure projected to occur if he selected it could be eliminated by

selecting the option of allowing excess emissions equal to those that would occur during shutdown. Because the impacts and costs of the option of not allowing excess emissions to exceed those that would occur during shutdown appear reasonable, he selected that option as BAT. This approach for selecting BAT for controlling excess emissions is similar to the approach used in determining BAT for continuous emissions. That is, it is based on the technologies and associated economic and environmental impacts specific to the source being regulated. Because the available technologies and associated impacts for controlling excess emissions from other sources regulated under Section 112 are likely to differ, it should not be assumed that BAT for controlling excess emissions from maleic anhydride plants will necessarily be applied to other sources.

In order to calculate the risks remaining after application of BAT to existing sources (i.e., a combination of 97 percent control during normal operation and allowing excess emissions during control system malfunctions equal to those during shutdown), the expected frequency of malfunctions was assumed to be 15 per year and the total quantity of uncontrolled emissions that would occur during shutdown was assumed to be 250 kilograms (550 pounds). A frequency of 15 malfunctions per year was selected for this analysis based on the data supplied by the plant with an incinerator. It is considered to be "worst case" because some of the control system breakdowns experienced by this company may have been avoidable and therefore would not be expected to occur if the proposed standard were in effect. Exposure estimates were obtained for the shutdown period and normal operation. The linear dose-response model was then used to calculate residual leukemia cases using both types of exposure.

The Administrator considered the possibility that when these short-term peak exposures, which may range up to 2.0 ppm for up to 3 hours duration, are mixed with chronic, relatively low exposures, the linear model may not provide conservative estimates of incidence and risk. This question arose because a recent study funded by the Consumer Product Safety Commission indicated that one exposure to a high level of vinyl chloride (another carcinogen regulated under Section 112) can result in a higher probability of cancer risk than the same dosage spread over a longer period of time. The exposure levels used in the vinyl

chloride study were much higher than benzene exposures that would occur around maleic anhydride plants during control system malfunctions. In addition, analysis of previous occupational benzene exposure studies—upon which calculations in the EPA *Carcinogen Assessment Group's Report on Population Risk to Ambient Benzene Exposures* are based—shows that, for benzene concentrations with a range of 0.2 ppm to 4.0 ppm, the lifetime probability of cancer is approximately proportional to the concentration. Consequently, the linear model is valid for the range of ambient benzene levels anticipated to occur during control system malfunctions, and there is no reason to expect that peak exposures of up to 2 ppm would have a higher level of cancer incidence per part-per-million year of exposure than lower continuous exposures. For these reasons, the Administrator has judged that the linear model can be expected to provide conservative estimates of incidence and risk at the exposure levels that would occur during control system malfunctions at maleic anhydride plants. For different pollutants or sources with different emission characteristics, this relationship may not hold, and short-term peak exposures may indeed cause a higher level of cancer than indicated by the linear model.

The number of leukemia deaths remaining after application of BAT (including the allowance for emissions in excess of the level of the numerical emission limit) to existing sources was estimated to range between 0.026 to 0.18 per year within 20 km of the sources. The maximum lifetime risk from exposure to all sources within a plant to the most exposed population was estimated to be 5.8×10^{-5} to 41×10^{-5} and, from exposure to the process vents only, it was estimated to be 0.50×10^{-5} to 3.5×10^{-5} .

The Administrator next analyzed the option of allowing no excess emissions during control system malfunctions; i.e., requiring a backup control system equal in efficiency to the primary control system as an option beyond BAT. Thus, there would be a reduction in the estimated number of leukemia deaths from a range of 0.026 to 0.18 per year to a range of 0.025 to 0.17 per year. The estimated maximum lifetime risk from exposure to emissions from the process vents and to emissions from all sources within the plant would remain unchanged.

Requiring a 97-percent efficient backup control system in addition to a 97-percent efficient primary control

system would increase the capital costs from \$6.5 million to \$13.0 million, the total annualized cost from \$2.5 million to \$4.4 million, and the percentage increase in maleic anhydride prices from 1.2 to 2.0. It would also increase the number of potential plant closures from one to two. After weighing the costs and benefits of selecting this option, the Administrator determined that the residual risks after applying a standard to existing sources based on BAT for controlling excess emissions would not be unreasonable. Therefore, the proposed standard is based on this level of control.

To limit the frequency of excess emissions due to control system malfunctions, control system malfunction is defined in the proposed standard as "any sudden and unavoidable failure of air pollution control equipment." This places the burden on the plant owner or operator to prove that emissions in excess of the numerical emission limit were unavoidable; i.e., no emissions in excess of the numerical emission limit would be allowed unless the Administrator were satisfied that an unavoidable equipment failure had occurred. Failures caused entirely or in part by poor maintenance, careless operation, deficiencies in design, or any other preventable upset conditions or preventable equipment breakdown would not be considered malfunctions. Recurring patterns in air pollution control equipment failure may be considered indicative of preventable failures.

Section 61.93 of the proposed standard includes requirements for implementing this approach. These requirements would be implemented in the following manner: Section 61.10 of the General Provisions requires submittal of an initial report from each existing source describing the source and emissions; Section 61.93 of the proposed standard would require that the initial report include information necessary for determination of the total uncontrolled mass emissions during a controlled shutdown of a source. The required information would consist of a description of the shutdown procedure at each plant, including a step-by-step account, the time period required for each step, and the amount of emissions expected to occur during each step. Emissions would be calculated based on the assumption that the plant is operating at full capacity with no control device. Using information gathered during development of the standard, the Administrator would review the information submitted by the source owner or operator and approve or disapprove the shutdown emissions

included in the initial report as the allowable emission limit during a control system malfunction for that source. If a source changed in some way that affected shutdown emissions, the owner or operator would have to submit a second report and obtain approval for a revision in the allowable shutdown emissions for the source.

The proposed standard requires all sources that use benzene as a feedstock to install continuous monitoring systems. If the continuous monitor indicated that emissions had exceeded the numerical emission limit (averaged over three cycle times for carbon adsorbers or 3 hours for other control devices), these emissions would have to be reported to the Administrator within 10 days. If the owner or operator believed that the excess emissions resulted from an unavoidable failure of control equipment, he would state in the report that he believed the excess emissions were due to a control system malfunction. He would then include a description of the cause of the malfunction, the steps taken to remedy the malfunction, the steps taken or planned to prevent the recurrence of such a malfunction, documentation that the air pollution control or process equipment was at all times maintained and operated (to the maximum extent practicable) in a manner consistent with good practice for minimizing emissions, and any other evidence that the excess emissions were unavoidable. In addition, the owner or operator would be required to report the total mass of excess emissions and data documenting his calculation or measurements, including the duration of the control system malfunction as determined by flow meter measurements required under Section 61.95(a).

The Administrator would use the report and any other information requested or available to him to determine whether a malfunction had occurred. If the Administrator determined that a malfunction had occurred, he would use the information submitted to him and otherwise obtained to determine whether the total mass emissions exceeded those that would occur during a controlled shutdown (i.e., emissions that were calculated in conjunction with the initial report). The Administrator recognizes that, because the quantities of emissions that would occur during a controlled shutdown and during a control system malfunction and that would be reported to him would probably be calculated, they would not be as precise as if they were measured. If the Administrator determined that a malfunction did not

occur and the emissions in excess of the numerical emission limit were measured with an emission test, the source would be considered in violation of the numerical emission limits in Section 61.92(a)(1). If, on the other hand, the Administrator determined that a malfunction did not occur and emissions in excess of the numerical emission limit were measured with a continuous monitoring system, the source would be considered in violation of Section 61.92(c). If the source exceeded the amount of excess emissions allowable under a controlled shutdown, it would be considered in violation of Section 61.92(b) or Section 61.92(c). Section 61.92(c) states that a source is to be operated in a manner consistent with good air pollution practice for minimizing emissions and that continuous monitoring data among other information can be used to determine whether that is the case.

Many times a plant may not be operating at capacity. In these situations, the actual emissions that would occur during a controlled shutdown of the plant would be less than those of the calculated controlled shutdown mass emission limit approved by the Administrator. This would allow the plant more emissions during a malfunction than would actually be emitted if the plant had an immediate controlled shutdown. However, for several reasons, operation at less than full capacity was not considered significant enough to warrant using less than 100 percent capacity as the basis for determining the controlled shutdown mass emission limit. The capacity at which a plant operates can fluctuate on a daily or even hourly basis depending on operational and market conditions. Consequently, the Administrator would be required to determine the plant's controlled shutdown mass emission limit every time a control equipment failure occurred.

In addition, one means of meeting the controlled shutdown mass emission limit would be for the plant to reduce its production rate. If the percent of capacity used to calculate the controlled shutdown mass emission limit were less than 100 percent, the extent to which the production rate could be reduced by the plant to comply with the mass emission limit would be severely limited. Consequently, if the plant were unable to use reduction in production rate as a means to comply with the mass emission limit during a control equipment failure, it might have to shut down completely. Because of technological and economic problems that could result if a plant frequently

had to shut down completely, it might choose to install a backup control system. This option has been previously rejected as the standard. Therefore, the controlled shutdown mass emission limit is based on a plant operating at 100 percent capacity.

Selection of Designated Source

The designated source is the facility or grouping of facilities to which a standard applies. The proposed standard for maleic anhydride plants contains different emission limits for existing and new sources. An existing source is one for which construction is commenced on or before the date of proposal of the standard. A new source is one for which construction, modification, or reconstruction is commenced after the date of proposal of the standard. The manner in which the source is designated (i.e., the number of facilities included in the grouping) can affect whether or not a particular source is considered existing or new. Consequently, the manner in which the source is designated can influence the impacts of a standard. The Administrator considered these potential impacts in designating the source at maleic anhydride plants.

First he considered designating each different piece of equipment, such as a reactor, a product recovery adsorber, and a refining system, as a source. However, maleic anhydride and maleic acid are produced using an integrated combination of reactor(s), a product recovery absorber, and a refining system. Typically, these pieces of equipment are designed on an integrated basis for the use of a specific feedstock, such as benzene. Consequently, if a feedstock change is made, extensive changes may have to be made not only in a reactor but also in the product recovery absorber and refining system integrated with the reactor.

If each piece of equipment were designated as a source and a reactor had to be replaced, the reactor would have to use a feedstock other than benzene. In addition, if the associated product recovery absorber and refining system had been designed for the operational conditions associated with the use of benzene as a feedstock, changes might also have to be made to them to allow the use of a feedstock such as n-butane. Furthermore, reactors are not replaced only because of old age. They are subject to explosion, in which case the owner or operator would be given no opportunity to plan conversion of all production equipment so the replacement reactor could use another feedstock.

Also, reactors may be operated in parallel with all emissions routed to a single product recovery absorber. If a reactor required replacement because of explosion or other damage, n-butane or another nonbenzene feedstock would be required for the new reactor, while the other reactors could continue to use benzene. But the associated product recovery absorber and refining system may still be designed for benzene use only. Such a situation could present operational problems. The Administrator has already decided not to require existing sources to convert to a nonbenzene feedstock. Designating individual pieces of equipment as the source could have essentially the same consequences. Therefore, he decided against this option.

Next, the Administrator considered designating as the source a maleic anhydride production unit; i.e., a functionally integrated combination of reactor(s), recovery absorber(s), and refining systems. In this case, if an existing reactor exploded and had to be replaced, the new reactor could use benzene. However, as this group of equipment aged and had to be substantially or partially replaced, the new grouping of equipment would have to use a nonbenzene feedstock. Similarly, if the capacity of a maleic anhydride plant was increased by adding a new grouping of this functionally integrated equipment, that equipment would have to use a nonbenzene feedstock. Designating the source in this way appeared to be most consistent with the Administrator's decision not to require conversion of existing sources to a nonbenzene feedstock because of technological and economic uncertainties. However, when a firm is preparing for major construction; i.e., substantially replacing existing equipment or increasing capacity, it has the opportunity to incorporate into its planning the use of a nonbenzene feedstock. In these cases, the Administrator considers requiring the use of a nonbenzene feedstock reasonable.

Therefore, the grouping of facilities designated as the source to which the proposed standard applies is a maleic anhydride production unit. If construction of a maleic anhydride production unit were commenced after proposal of the standard, it would be considered new. If a new maleic anhydride production unit were added to an existing plant, it would be considered new. If an existing maleic anhydride production unit were completely replaced or if it were partially replaced and met the criterion

for being "reconstructed," it would be considered new. Due to the way in which "modification" is defined in Section 61.02(j), if capacity or other physical changes were made to an existing maleic anhydride production unit, such as the addition of a reactor, and if there were no concomitant increase in benzene emissions (in mass per unit time) from the unit, the unit would not be considered "modified" and would still be considered an existing source. If emissions did increase, however, the unit would be considered modified and new.

Selection of the Format of the Standard

A number of different formats could be selected to limit benzene emissions from existing sources. These include concentration standards, mass standards limiting emissions in terms of benzene per unit of maleic anhydride produced, and mass standards limiting emissions in terms of benzene per unit of benzene supplied to the reactor.

Typically, a concentration standard is preferred over a mass standard because a mass standard requires more measurements and conversion calculations. Exhaust gas flow rates and raw material or product flow rates have to be measured, and concentration measurements have to be converted to mass measurements.

The standard for maleic anhydride plants is based on two types of control devices—incineration and carbon adsorption. In both cases, there is a potential for air dilution. Excess air is used in incinerators to ensure complete combustion, and the quantity of excess air used can vary. Carbon adsorption systems use air to cool the bed during the regeneration cycle. The cooling air strips residual benzene remaining on the regenerating bed and consequently must be controlled in the bed that is in the adsorption phase of the cycle. Again, the quantity of cooling air used can vary among adsorption units. Due to the potential for air dilution, correction factors are necessary to ensure that measurements of emissions from all control devices are referenced to the same basis, and that the quantity of benzene emitted is the same no matter how much excess air is used in an incinerator or how much cooling air is used in a carbon adsorption unit.

If incinerators are used, correction factors referencing all calculations to a specific oxygen concentration level in the exhaust gases are a solution to the problem of using varying quantities of excess air. These factors, however, do not compensate for indirect air dilution resulting from combustion of more fuel and air than is necessary. This situation

occasionally arises where steam boilers are pressed into service as incinerators. Even though the exit gas concentrations are low in these cases, the volume is so large that emissions are occasionally higher than if an incinerator were used. In any event, a concentration standard would require a measurement of exhaust gas oxygen concentration.

If carbon adsorption were used, the cooling air flow low rate and the total flow rate would have to be measured, and the cooling air flow rate subtracted from the total flow rate. Measurement of the cooling air flow rate to a regenerating bed could be difficult.

Alternatively, an oxygen correction factor could be used that references calculations to the oxygen concentration level of the absorber waste gas stream as it is released from the absorber. In this case, two measurements of oxygen concentration level would be required: the absorber waste gas stream and the exhaust gases discharged to the atmosphere.

In comparison, concentration, total flow rate, and benzene feed rate or the maleic anhydride production rate would have to be measured to calculate mass emissions. Maleic anhydride plants already measure the benzene feed rate because most plants must operate below the benzene explosive limit. Therefore, enforcement of a mass standard would require no more measurements and calculations than a concentration standard.

Also, it is possible that some expansion of existing plants might take place by the addition of n-butane oxidation reactors to an expanded existing maleic anhydride refining system, which also continued to refine maleic anhydride from benzene oxidation reactors. In this situation, the waste gas stream from the product recovery absorber would be a mixture of n-butane and benzene oxidation waste gases. As a result, enforcement of a concentration standard, or a mass standard limiting benzene emissions in terms of maleic anhydride production, would effectively give a source combining n-butane and benzene oxidation a higher emission limit than a benzene oxidation source of the same capacity. A mass standard limiting emissions in terms of benzene per unit of benzene supplied to the reactor, however, would avoid this potential problem. Therefore, this format has been selected to limit emissions from existing sources, both to avoid this problem and because this format would minimize required measurements for enforcement.

A mass standard limiting emissions in terms of benzene per unit of benzene supplied to the reactor, however, is not

appropriate for new maleic anhydride production facilities. Since the basis for the standard for new sources assumes n-butane oxidation, new sources are expected to have no benzene emissions. However, the quantity of emissions considered to be "zero" depends on the measurement method. Consequently, the format to limit emissions from new sources is no detectable benzene emissions as measured with Test Method 110 specified in the proposed standard for benzene emissions from maleic anhydride plants.

Selection of Numerical Emission Limits

As discussed above, the format selected for the proposed standard as applied to existing sources was benzene emissions per unit of benzene fed to the reactor. Benzene emissions from a source are a function of the efficiency of the conversion of benzene to maleic anhydride and other organic byproducts in the reactor and the efficiency of the emission control device.

With regard to the reactor conversion efficiency, data available in published literature indicate that uncontrolled benzene emissions from the product recovery absorber and refining system represent 3 to 10 percent of the benzene fed to the reactor. This range in conversion efficiency is caused by variations in operating parameters, including the age of the catalyst. To include consideration of normal process fluctuation, a conversion efficiency of 90 percent was selected. Based on this conversion efficiency, the uncontrolled emission rate is 110 kilograms (22 pounds) of benzene emitted per 100 kilograms (220 pounds) of benzene fed to the reactors.

As discussed earlier, a control level of 97 percent has been selected as the basis for the proposed standard for existing sources. The numerical emission limit, therefore, is selected as 0.30 kilogram of benzene per 100 kg (0.30 lb/100 lb) of benzene fed to the reactor(s).

Selection of Emission Test Methods

The proposed emission test method for determining benzene emissions at sources using benzene as a feedstock is Method 110, which requires the use of a gas chromatograph with a flame ionization detector.

The averaging time selected for measuring benzene emissions by Test Method 110 at sources in maleic anhydride plants is based on the type of control device used. If a control device such as a carbon adsorber that operates in cycles is used, the averaging time for one run is equivalent to one cycle of the unit. Potential fluctuations in emissions

may occur over the operating cycle of a carbon adsorber. Requiring that each run include an entire control device operating cycle ensures that these potential fluctuations in emissions are measured. A cycle in the monitoring of a carbon adsorption unit begins when air containing benzene is fed to the reactor and continues through the adsorption, desorption, and cooling and drying stages. For control devices such as incinerators, large fluctuations in emissions are not expected during normal operation, and the averaging time selected for each run was 1 hour. An emission test for benzene emissions is to consist of three contiguous runs as described above. The arithmetic mean of the results of three runs is to be used to determine compliance. Equivalent or alternative emission test methods may be used if they are approved by the Administrator.

Selection of Emission Monitoring Requirements

The objective of monitoring requirements is to provide a quick and easy means for enforcement personnel to ensure that an emission control system installed to comply with the standard is properly operated and maintained. For sources in maleic anhydride plants, the most straightforward means of ensuring proper operation and maintenance would be to monitor emissions released to the atmosphere. Preliminary indications are that a continuous emission monitoring system employing gas chromatography to measure benzene emissions would cost about \$35,000. Since this cost is considered reasonable, the proposed standard includes monitoring requirements for plants using benzene as the feedstock.

Gas chromatography with a flame ionization detector, or an equivalent benzene monitoring system, is required. This system has to be operational prior to conducting the emission tests required under Section 61.93 so the continuous monitoring system can be evaluated.

The standard requires that the composition of reference gases used for the daily span check calibration of monitoring equipment be certified by the gas manufacturer. To certify composition, the concentrations of gases contained in each cylinder must have been determined by direct analysis with the analytical instrument being calibrated on the day of analysis. Calibration (Section 5.2.3.2 of Test Method 110) of the analytical procedure is performed using gases that have had their concentrations verified: (1) by comparison to gas mixture prepared in

accordance with the procedure described in Section 7.1 of Test Method 110 and using 99 mole percent benzene, or (2) by direct analysis by the National Bureau of Standards.

The averaging time selected for determining the level of emissions with the continuous monitor is equivalent to the averaging time of an emission test; that is, three operating cycles for carbon adsorption systems, or 3 hours for other control systems.

Upon written application, the Administrator may approve alternative monitoring procedures or systems for specified conditions. For example, it is possible that a plant would be allowed to report benzene emissions in parts per million, instead of kilograms of benzene emitted per kilograms of benzene fed to the reactor, if it could demonstrate that it is meeting the standard using this method.

Public Hearing

A public hearing will be held to discuss the listing of benzene as a hazardous air pollutant under Section 112 and the proposed standard for maleic anhydride in accordance with Sections 112(b)(1)(B) and 307(d)(5) of the Clean Air Act. Person wishing to make oral presentations on the listing of benzene or the proposed standard for maleic anhydride plants should contact EPA at the address given in the *Addresses* section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the *Addresses* section of this preamble and should refer to docket number OAQPS 79-3.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, D.C. (see *Addresses* section of this preamble).

Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The principal purposes of the docket are (1) to allow members of the public and industries involved to identify and locate documents so they can intelligently and effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review.

Miscellaneous

As prescribed by Section 112, the proposal of this standard was preceded by the Administrator's determination that benzene is a hazardous air pollutant as defined in Section 112(a)(1) of the Act. Benzene was added to the list of hazardous air pollutants on June 8, 1977. The Administrator, however, will consider information alleged to show that benzene does not cause or contribute to air pollution that may reasonably be anticipated to result in an increase in mortality or an increase in serious, irreversible, or incapacitating, reversible illness.

In accordance with Section 117 of the Act, publication of this proposal was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. The Administrator will welcome comments on all aspects of the proposed regulations, including health, economic, and technological issues, and on the proposed test method. Even though 97 percent control is the basis for the proposed standard, the Administrator has reserved the option of considering promulgation of a standard based on 99 percent control. For this reason, comments on the technological and economic aspects of requiring 99 percent control are specifically invited.

Recent information indicates that two benzene-based plants are considering conversion to an n-butane feedstock. In addition, one State has recently promulgated generic standards for toxic pollutants that may require more control of benzene than is currently assumed in the emission reduction estimates projected for this regulation. EPA will monitor these potential changes during the proposal period and evaluate their impact on emissions.

The Administrator welcomes comments on the appropriateness of the proposed regulation in light of these factors and invites suggestions and comments on alternatives to the NESHAP regulation to control benzene emissions from maleic anhydride plants. The Agency invites discussion of any alternative approaches that may achieve comparable health protection with less burden to EPA and to industry than Section 112 regulation. Specifically, the Agency requests comment on the feasibility and desirability of voluntarily developed compliance agreements, negotiated between a source and EPA or the State, as a means of assuring adequate control of these facilities.

Under EPA's sunset policy for reporting requirements in regulations, the reporting requirements in this

regulation will automatically expire 5 years from the date of promulgation unless affirmative action is taken to extend them. To accomplish this, a provision automatically terminating the reporting requirements at that time will be included in the text of the final regulations.

This regulation will be reviewed 5 years from the date of promulgation. This review will include an assessment of such factors as new information on health effects, the need for integration with other programs, the existence of alternative methods, enforceability, and improvements in emission control technology.

Dated: April 4, 1980.

Douglas M. Costle,
Administrator.

It is proposed that Part 61 of Chapter I, Title 40 of the *Code of Federal Regulations* be amended by adding a new Subpart H, a new Test Method 110 to Appendix B, and a new Appendix C containing Supplements A and B to Method 110, as follows:

Subpart H—National Emission Standard for Benzene Emissions from Maleic Anhydride Plants

Sec.

61.90 Applicability and designation of source.

61.91 Definitions.

61.92 Emission standard and compliance provisions.

61.93 Excess emissions.

61.94 Emission test and procedures.

61.95 Emission monitoring.

61.96 Recordkeeping requirements.

Authority: Sec. 112, 114, and 301(a), Clean Air Act as amended [42 U.S.C. 7412, 7414, and 7601(a)], and additional authority as noted below.

Subpart H—National Emission Standard for Benzene Emissions from Maleic Anhydride Plants

§ 61.90 Applicability and designation of source.

(a) The provisions of this subpart are applicable to the following source: any maleic anhydride production unit that produces a total of 500 Mg or more per year of maleic anhydride, maleic acid, or both, either as an end product or as an intermediate product.

§ 61.91 Definitions.

Terms used in this subpart are defined in the Act, in Subpart A of this part, or in this section as follows:

(a) "Continuous monitoring system" means the total equipment used to sample, to analyze, and to provide a permanent record of emissions or process parameters.

(b) "Control system malfunction" means any sudden and unavoidable failure of air pollution control equipment. A failure caused entirely or in part by deficiencies in design, poor maintenance, careless operation, or other preventable upset condition or preventable equipment breakdown is not considered a malfunction.

(c) "Controlled shutdown" means the termination of benzene feed to the reactor(s) in a manner that results in the least amount of benzene emissions without damage to air pollution control or process equipment.

(d) "Maleic anhydride production unit" means any functionally integrated combination of reactors, product recovery absorbers, and refining systems used to produce maleic anhydride or maleic acid.

(e) "Product recovery absorber" means any equipment in which a gas stream containing maleic anhydride or maleic acid is contacted with an absorbent liquid to recover the maleic anhydride, maleic acid, or both as a mixture.

(f) "Reactor" means any vessel in which benzene or an other feedstock is partially or totally oxidized to maleic anhydride or maleic acid.

(g) "Refining system" means equipment used to separate maleic anhydride or maleic acid from other material or liquid and to dehydrate maleic acid to maleic anhydride. It also includes pieces of equipment used to keep refining columns, evaporators, crystallizers, and other unit separation process equipment under negative pressure.

(h) "Run" means the net period of time during which an emission sample is collected.

(i) "Reconstruction" means the replacement of components of an existing source to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable, entirely new source; and

(2) It is feasible, considering economic impacts and the technological problems associated with retrofit, to meet the applicable standard for new sources set forth in this subpart.

(j) "Fixed capital cost" means the capital needed to provide all the depreciable components.

§ 61.92 Emission standard and compliance provisions.

(a) No owner or operator of a source to which this subpart applies shall cause benzene to be emitted into the atmosphere from the source in excess of

the appropriate emission limit as stated below:

(1) Existing source—0.30 kg/100 kg of benzene fed to the reactor(s), averaged over three cycles for carbon adsorbers or over 3 hours for other control systems. This emission limit does not apply during a control system malfunction if the Administrator has approved a controlled shutdown mass emission limit under § 61.93.

(2) New source—no detectable benzene emissions as measured with Test Method 110.

(b) For the duration of a control system malfunction, no owner or operator of a source to which this subpart applies shall cause the total mass of benzene to be emitted from the source in excess of the controlled shutdown mass emission limit, established under § 61.93(a), applicable to the source.

(c) The owner or operator of each source shall maintain and operate the source including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing benzene emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator, which may include but is not limited to monitoring results, review of operating and maintenance procedures, and inspection of the source.

(d) Upon reconstruction, an existing source shall become a new source for purposes of this subpart.

§ 61.93 Excess emissions.

(a) Controlled shutdown mass emission limit. (1) The owner or operator of each source subject to the emission limitations in § 61.92(a)(1) and who uses benzene as a feedstock shall include in the initial source report required under § 61.10, a calculation of the total uncontrolled mass benzene emissions that would occur from each source for which an emission limitation is prescribed under § 61.92(a)(1) during a controlled shutdown. The following information is also to be included:

(i) A complete step-by-step description of the controlled shutdown procedure for each process for which an emission limitation is prescribed under § 61.92(a)(1), including an account that details each step in the procedure.

(ii) The length of time it takes for each step of the controlled shutdown, from initiation to completion.

(iii) The amount of benzene emissions computed to occur in the absence of air pollution control equipment during each step of the controlled shutdown based

on production rates for the process running at full capacity.

(2) The Administrator shall, within 60 days of receipt of the information specified in paragraph (a)(1) of this section, notify the plant owner or operator whether he approves or disapproves, as the numerical emission limit applicable during a control system malfunction, the benzene emissions computed to occur during a controlled shutdown in accordance with paragraph (a)(1) of this section. In making this determination, the Administrator shall consider the information submitted under paragraph (a)(1) of this section. The Administrator may also consider any other information available to him or that he may reasonably require, in addition to sound engineering practices.

(b) *Excess emissions reporting.* (1) For each occurrence of benzene emissions in excess of the numerical emission limit, specified in § 61.92(a)(1), the owner or operator of that plant shall report the occurrence to the Administrator within 10 days after the occurrence. Emissions in excess of the numerical emission limit are those indicated by measurements by an emission test or by a continuous monitoring system over the following period of time.

(i) When a control device is used that operates in cycles, such as a carbon adsorber, all periods equivalent to three contiguous cycles of the control device during which the average emissions exceed the appropriate numerical emissions limit in § 61.92(a)(1). The emissions measured for any one cycle are to be used in calculating an average only once; running averages are not required.

(ii) When any other control device is used, all 3-hour periods during which the average emissions exceed the appropriate numerical emission limit in § 61.92(a)(1). The emissions measured for any one cycle are to be used in calculating an average only once; running averages are not required.

(2) The owner or operator shall submit the following information as a minimum in the report required by paragraph (b)(1) of this section:

(i) The identity of the stack and other emission points where the excess emissions occurred.

(ii) The identity of the equipment causing the excess emissions.

(iii) The owner or operator shall also state whether or not he believes a control system malfunction has occurred.

(3) If the owner or operator states that a control system malfunction has occurred, the following information as a minimum is also to be included in the

report required under paragraph (b)(1) of this section:

(i) The total mass of benzene emissions that occurred during the control system malfunction.

(ii) The nature and cause of the excess emissions.

(iii) The steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunctions.

(iv) Documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions, and were designed in accordance with good engineering practices.

(v) Continuous monitoring data, operating data, and calculations used in determining the magnitude of excess emissions, including but not limited to—

(A) The time and duration of the control system malfunction;

(B) The benzene feed rate to the reactors at the beginning of and during the control system malfunction;

(C) The benzene conversion rate in the reactor at the beginning of and during the control system malfunction;

(D) The production rate at the beginning of and during the control system malfunction; and

(E) The uncontrolled benzene emission rate during the control system malfunction in kilograms per 100 kilograms of benzene to the reactor.

(4) The Administrator shall determine whether a control system malfunction has occurred based on the data submitted under paragraphs (b) (2) and (3) of this section. In making this determination, the Administrator may also consider any other information available to him or that he may reasonably require, in addition to sound engineering practices. If the Administrator determines that a control system malfunction has occurred, he shall determine whether the emissions in excess of the emission limits established in accordance with paragraph (a) of this section have been exceeded. The Administrator shall notify the owner or operator of this determination in case of violation within 60 days after receipt of the report required under paragraph (b) of this section.

§ 61.94 Emission test and procedures.

(a) Unless a waiver of emission testing is obtained under § 61.13, the owner or operator subject to the provisions of this subpart shall test emissions from all existing sources in

which benzene is used as a feedstock within 90 days of the effective date.

(b) The owner or operator of each source shall provide the Administrator 30 days prior notice of the emissions test to afford the Administrator the opportunity to have an observer present.

(c) Any emission test is to be conducted while the equipment being tested is operating at the maximum production rate at which the equipment will be operated.

(d) Where possible, each sample is to be analyzed within 24 hours, but in no case later than 72 hours of sample collection. Emissions are to be determined within 30 days after the emission test. The owner or operator shall report the determinations to the Administrator by a registered letter dispatched before the close of the next business day following the determination.

(e) The owner or operator shall retain at the plant and make available, upon request, for inspection by the Administrator, for a minimum of 2 years, records of emission test results and other data needed to determine emissions.

(f) The owner or operator shall use the following test methods to determine benzene emissions from any source for which an emissions limit is prescribed in § 61.92, unless an alternative or equivalent method has been approved by the Administrator. If the Administrator finds reasonable grounds to dispute the results obtained by an equivalent or alternative method, he may require the use of a reference method. If the results of the reference and equivalent or alternative methods do not agree, the results obtained by the reference method prevail, and Administrator may notify the owner or operator that approval of the method previously considered to be equivalent or alternative is withdrawn.

(1) Test Method 1 of Appendix A to Part 60 is to be used to determine sample and velocity traverses.

(2) Test Method 2 of Appendix A to Part 60 is to be used to determine velocity and volumetric flow rate.

(3) Test Method 110 of Appendix B to this part is to be used to determine benzene emissions from any source for which an emission limit is prescribed in § 61.92.

(g) Each emission test is to consist of three runs. One sample containing a minimum volume of 50 liters corrected to standard conditions, is to be collected for each run. For the purpose of

determining emissions, the average of the results from all three runs is to apply. The average is to be computed on a time-weighted basis.

(h) Where a control device is used that operates in cycles, the sampling time for each run is the time period of one complete cycle. Where any other control device is used, sampling time is to be taken over a minimum of 1 hour.

(i) The sampling site is to be at least two stack or duct diameters downstream and one-half diameter upstream from any flow disturbance such as a bend, expansion, contraction, or visible flame. The sampling point in the duct is to be at the centroid of the cross section. The sample is to be extracted at a rate proportional to the gas velocity at the sampling point. For a rectangular cross section an equivalent diameter is to be determined from the following equation:

$$\text{equivalent diameter} = \frac{2 (\text{length})(\text{width})}{\text{length} + \text{width}}$$

(j) The reactor feed rate is to be determined during each testing period by a method approved by the Administrator.

(k) The mass emissions in kilograms of benzene per 100 kilograms of benzene fed to the reactor are to be computed by using the following equation:

$$E_B = \frac{[C_B (3.24) Q \times 10^{-6}][100]}{P_{BM}}$$

where

E_B is kg of benzene/100 kg of benzene fed to the reactor.

C_B is the concentration of benzene as measured by Test Method 110 (ppmv).

3.24 is the vapor density of benzene at 1 atm and 20° C in kg/m³.

Q is the volumetric flow rate in m³/hr as determined by Reference Method 2 of Appendix A to Part 60 of this chapter.

10^{-6} is the conversion factor for ppm.

P_{BM} is the benzene feed rate to the reactor in kg/hr.

(Sec. 114, Clean Air Act as amended [42 U.S.C. 7414])

§ 61.95 Emission monitoring.

(a) The owner or operator of each source to which this subpart applies

shall install and use a continuous monitoring system to monitor the concentrations of benzene emissions discharged to the atmosphere from all existing sources that use benzene as a feedstock. The owner or operator shall also monitor the quantity of benzene fed per hour to each reactor and the exhaust gas flow rate from any device that may discharge benzene emissions into the atmosphere. He shall use the data required to be collected by this paragraph to calculate total mass emissions of benzene in kilograms per 100 kg of benzene fed to the reactor in accordance with the equation in § 61.94(k).

(b) The continuous monitoring system to be installed in accordance with paragraph (a) of this section is to be a device that obtains air samples from one or more emission points on a continuous, sequential basis and analyzes the samples by gas chromatography using a flame ionization detector.

(c) When the effluents from a single source or two or more sources subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the sources are not subject to the same emission standards, separate continuous monitoring systems shall be installed on each effluent. When the effluent from one source is released to the atmosphere through more than one point, the owner or operator shall install applicable continuous monitoring systems on each separate effluent unless the installation of fewer systems is approved by the Administrator.

(d) All continuous monitoring systems are to be installed so that representative measurements of emissions are obtained and are to be operational prior to conducting emission tests under § 61.94. Verification of operational status is to consist of, at the minimum, completion of the manufacturer's written requirements or recommendations for checking the operation or calibration of the device.

(e) During any emission tests required under § 61.94 and at such other times as may be required by the Administrator under Section 114 of the Act, the owner or operator of each source shall furnish the Administrator a written report of the measurements of benzene made by the continuous monitoring system during the emission test within 60 days.

(f) All continuous monitoring systems used in accordance with this section are to complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(g) Owners or operators of all continuous monitoring systems installed in accordance with this subpart shall check the zero and span drift at least once daily in accordance with the method prescribed by the manufacturer of such systems unless the manufacturer of such systems recommends adjustments at shorter intervals, in which case such recommendations shall be followed. The daily span check is to be conducted with reference gas containing a concentration of benzene determined to be equivalent to the emission limit for that source based on the emission tests required by § 61.94.

(h) The calibration is to be done with either—

(1) A calibration mixture prepared from the liquids and gases specified in Section 5.2.1 and 5.2.2 of Test Method 110 and in accordance with Section 7.1 of Test Method 110; or

(2) A calibration gas cylinder standard containing the appropriate concentration of benzene. The gas composition of the calibration gas cylinder standard is to have been certified by the manufacturer. The manufacturer must have recommended a maximum shelf life for each cylinder so gas standards will not be used if their concentration has changed greater than ± 5 percent from the certified value. The data of gas cylinder preparation, certified benzene concentration, and recommended maximum shelf life must have been affixed to the cylinder before shipment from the manufacturer to the buyer. If a gas chromatograph is used as the continuous monitoring system, these gas mixtures may be used directly to prepare a chromatograph calibration curve as described in Section 7.2 of Test Method 110 for certification of cylinder standards and for establishment and verification of calibration standards.

(i) After receipt and consideration of written application, the Administrator may approve use of an alternative or equivalent continuous monitoring system, alternative monitoring procedures, or alternative monitoring requirements.

(Sec. 114, Clean Air Act as amended [42 U.S.C. 7414])

§ 61.96 Recordkeeping requirements.

(a) The owner or operator of each source to which this subpart applies shall maintain daily records of the monitoring information specified in § 61.95(a).

(b) Records are to be retained at the source and made available for inspection by the Administrator for a minimum of 2 years.

(Sec. 114, Clean Air Act as amended [42 U.S.C. 7414])

Appendix B—Test Methods

Method 110. Determination of Benzene From Stationary Sources

Performance of this method should not be attempted by persons unfamiliar with the operation of a gas chromatograph, nor by those who are unfamiliar with source sampling, because knowledge beyond the scope of this presentation is required. Care must be exercised to prevent exposure of sampling personnel to benzene, a carcinogen.

1. Applicability and Principle

1.1 Applicability. This method applies to the measurement of benzene in stack gases from processes as specified in the regulations. The method does not remove benzene contained in particulate matter.

1.2 Principle. An integrated bag sample of stack gas containing benzene and other organics is subjected to gas chromatographic (GC) analysis, using a flame ionization detector (FID).

2. Range and Sensitivity

The range of this method is 0.1 to 70 ppm. The upper limit may be extended by extending the calibration range or by diluting the sample.

3. Interferences

The chromatograph columns and the corresponding operating parameters herein described normally provide an adequate resolution of benzene; however, resolution interferences may be encountered on some sources. Therefore, the chromatograph operator shall select the column and operating parameters best suited to his particular analysis problem, subject to the approval of the Administrator. Approval is automatic provided that the tester produces confirming data through an adequate supplemental analytical technique, such as analysis with a different column or GC/mass spectroscopy, and has the data available for review by the Administrator.

4. Apparatus

4.1 Sampling (see Figure 110-1). The sampling train consists of the following components:

4.1.1 Probe. Stainless steel, Pyrex * glass, or Teflon tubing (as stack temperature permits), equipped with a glass wool plug to remove particulate matter.

4.1.2 Sample Lines. Teflon, 6.4 mm outside diameter, of sufficient length to connect probe to bag. Use a new unused piece for each series of bag samples that constitutes an emission test and discard upon completion of the test.

4.1.3 Quick Connects. Stainless steel, male (2) and female (2), with ball checks (one

pair without) located as shown in figure 110-1.

4.1.4 Tedlar or aluminized Mylar bags, 100 L capacity, to contain sample.

4.1.5 Bag Containers. Rigid leakproof containers for sample bags with covering to protect contents from sunlight.

4.1.6 Needle Valve. To adjust sample flow rate.

4.1.7 Pump. Leak-free with minimum of 2 L/min capacity.

4.1.8 Charcoal Tube. To prevent admission of benzene and other organics to the atmosphere in the vicinity of samplers.

4.1.9 Flow Meter. For observing sample flow rate; capable of measuring a flow range from 0.10 to L/min.

4.1.10 Connecting Tubing. Teflon, 6.4 mm outside diameter, to assemble sampling train (Figure 110-1).

4.2 Sample Recovery. Teflon tubing, 6.4 mm outside diameter, is required to connect chromatograph sample loop for sample recovery. Use a new unused piece for each series of bag samples that constitutes an emission test and discard upon conclusion of analysis of those bags.

4.3 Analysis. The following equipment is needed:

4.3.1 Gas Chromatograph. With FID, potentiometric strip chart recorder and 1.0 to 2.0 mL sampling loop in automatic sample valve. The chromatographic system shall be capable of producing a response to 0.1 ppm benzene that is at least as great as the average noise level. (Response is measured from the average value of the base line to the maximum of the waveform, while standard operating conditions are in use.)

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* Mention of trade names or specific products does not constitute endorsement by the U.S. Environmental Protection Agency.

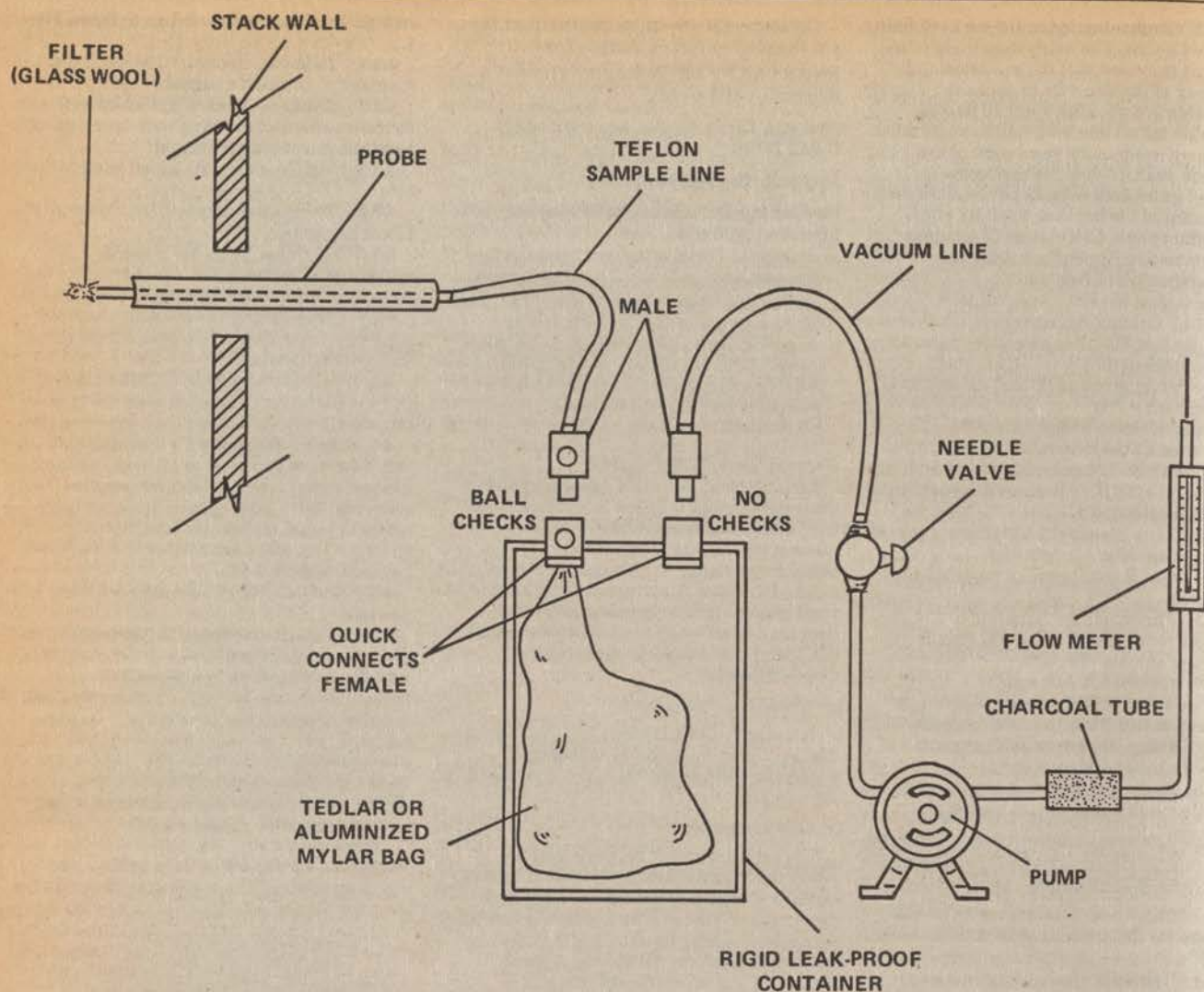


Figure 110-1. Integrated-bag sampling train. (Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.)

4.3.2 Chromatographic Columns. Columns as listed below. The analyst may use other columns provided that the precision and accuracy of the analysis of benzene standards are not impaired and he has available for review information confirming that there is adequate resolution of the benzene peak. (Adequate resolution is defined as an area overlap of not more than 10 percent of the benzene peak by an interferent peak. Calculation of area overlap is explained in Appendix E, Supplement A: "Determination of Adequate Chromatographic Peak Resolution.")

4.3.2.1 Column A: Benzene in the Presence of Aliphatics. Stainless steel, 2.44 m by 3.2 mm, containing 10 percent 1,2,3-tris (2-cyanoethoxy) propane (TCEP) on 80/100 Chromosorb P AW.

4.3.2.2 Column B: Benzene With Separation of the Isomers of Xylene. Stainless steel, 1.83 m by 3.2 mm, containing 5 percent SP 1,200/1.75 percent Bentone 34 on 100/120 Suplecoport.

4.3.3 Flow Meters (2). Rotameter type, 100 mL/min capacity.

4.3.4 Gas Regulators. For required gas cylinders.

4.3.5 Thermometer. Accurate to 1° C, to measure temperature of heated sample loop at time of sample injection.

4.3.6 Barometer. Accurate to 5 mmHg, to measure atmospheric pressure around gas chromatograph during sample analysis.

4.3.7 Pump. Leak-free, with minimum of 100 mL/min capacity.

4.3.8 Recorder. Strip chart type, optionally equipped with either disc or electronic integrator.

4.3.9 Planimeter. Optional, in place of disc or electronic integrator, on recorder, to measure chromatograph peak areas.

4.4 Calibration. Sections 4.4.2 through 4.4.5 are for the optional procedure in Section 7.1.

4.4.1 Tubing. Teflon, 6.4 mm outside diameter, separate pieces marked for each calibration concentration.

4.4.2 Tedlar or Aluminized Mylar Bags. 50 L capacity, with valve; separate bag marked for each calibration concentration.

4.4.3 Syringes. 1.0 μ L and 10 μ L, gas tight, individually calibrated to dispense liquid benzene.

4.4.4 Dry Gas Meter, With Temperature and Pressure Gauges. Accurate to ± 2 percent, to meter nitrogen in preparation of standard gas mixtures, calibrated at the flow rate used to prepare standards.

4.4.5 Midget Impinger/Hot Plate Assembly. To vaporize benzene.

5. Reagents

Use only reagents that are of chromatographic grade.

5.1 Analysis. The following are needed for analysis:

5.1.1 Helium or Nitrogen. Zero grade, for chromatograph carrier gas.

5.1.2 Hydrogen. Zero grade.

5.1.3 Oxygen or Air. Zero grade, as required by the detector.

5.2 Calibration. Use one of the following options: either 1.2.1 and 5.2.2, or 5.2.3.

5.2.1 Benzene, 99 Mol Percent Pure. Certified by the manufacturer to contain a

minimum of 99 Mol percent benzene; for use in the preparation of standard gas mixtures as described in Section 7.1.

5.2.2 Nitrogen. Zero grade, for preparation of standard gas mixtures as described in Section 7.1.

5.2.3 Cylinder Standards (3). Gas mixture standards (50, 10, and 5 ppm benzene in nitrogen cylinders). The tester may use cylinder standards to directly prepare a chromatograph calibration curve as described in Section 7.2.2, if the following conditions are met: (a) The manufacturer certifies the gas composition with an accuracy of ± 3 percent or better (see Section 5.2.3.1). (b) The manufacturer recommends a maximum shelf life over which the gas concentration does not change by greater than ± 5 percent from the certified value. (c) The manufacturer affixes the date of gas cylinder preparation, certified benzene concentration, and recommended maximum shelf life to the cylinder before shipment to the buyer.

5.2.3.1 Cylinder Standards Certification. The manufacturer shall certify the concentration of benzene in nitrogen in each cylinder by (a) directly analyzing each cylinder and (b) calibrating his analytical procedure on the day of cylinder analysis. To calibrate his analytical procedure, the manufacturer shall use, as a minimum, a three-point calibration curve. It is recommended that the manufacturer maintain (1) a high-concentration calibration standard (between 50 and 100 ppm) to prepare his calibration curve by an appropriate dilution technique; and (2) a low-concentration calibration standard (between 5 and 10 ppm) to verify the dilution technique used. If the difference between the apparent concentration read from the calibration curve and the true concentration assigned to the low-concentration standard exceeds 5 percent of the true concentration, the manufacturer shall determine the source of error and correct it, then repeat the three-point calibration.

5.2.3.2 Verification of Manufacturer's Calibration Standards. Before using, the manufacturer shall verify each calibration standard by (a) comparing it to gas mixtures prepared (with 99 Mol percent benzene) in accordance with the procedure described in Section 7.1 or by (b) having it analyzed by the National Bureau of Standards. The agreement between the initially determined concentration value and the verification concentration value must be within ± 5 percent. The manufacturer must reverify all calibration standards on a time interval consistent with the shelf life of the cylinder standards sold.

5.2.4 Audit Cylinder Standards (2). Gas mixture standards with concentrations known only to the person supervising the analysis of samples. The audit cylinder standards shall be identically prepared as those in Section 5.2.3 (benzene in nitrogen cylinders). The concentrations of the audit cylinder should be: one low-concentration cylinder in the range of 5 to 20 ppm benzene and one high-concentration cylinder in the range of 100 to 300 ppm benzene. When available, the tester may obtain audit cylinders by contacting: U.S. Environmental

Protection Agency, Environmental Monitoring and Support Laboratory, Quality Assurance Branch (MD -77), research Triangle Park, North Carolina 27711. If audit cylinders are not available at the Environmental Protection Agency, the tester must secure an alternative source.

6. Procedure

6.1 Sampling. Assemble the sample train as shown in Figure 110-1. Perform a bag leak check according to Section 7.3.2. Join the quick connects as illustrated, and determine that all connections between the bag and the probe are tight. Place the end of the probe at the centroid of the stack, and start the pump with the needle valve adjusted to yield a flow that will more than half fill the bag in the specified sample period. After allowing sufficient time to purge the line several times, connect the vacuum line to the bag and evacuate the bag until the rotameter indicates no flow. At all times, direct the gas exiting the rotameter away from sampling personnel. At the end of the sample period, shut off the pump, disconnect the sample line from the bag, and disconnect the vacuum line from the bag container. Protect the bag container from sunlight.

6.2 Sample Storage. Keep the sample bags out of direct sunlight. Perform the analysis within 4 days of sample collection.

6.3 Sample Recovery. With a new piece of Teflon tubing identified for that bag, connect a bag inlet valve to the gas chromatograph sample valve. Switch the valve to receive gas from the bag through the sample loop. Arrange the equipment so the sample gas passes from the sample valve to a 100-mL/min rotameter with flow control valve followed by a charcoal tube and a 1-in. pressure gauge. The tester may maintain the sample flow either by a vacuum pump or container pressurization if the collection bag remains in the rigid container. After sample loop purging is ceased, always allow the pressure gauge to return to zero before activating the gas sampling valve.

6.4 Analysis. Set the column temperature to 80° C (176° F) for column A or 75° C (167° F) for column B, and the detector temperature to 225° C (437° F). When optimum hydrogen and oxygen flow rates have been determined, verify and maintain these flow rates during all chromatograph operations. Using zero helium or nitrogen as the carrier gas, establish a flow rate in the range consistent with the manufacturer's requirements for satisfactory detector operation. A flow rate of approximately 20 mL/min should produce adequate separations. Observe the base line periodically and determine that the noise level has stabilized and that base-line drift has ceased. Purge the sample loop for 30 sec at the rate of 100 mL/min, then activate the sample valve. Record the injection time (the position of the pen on the chart at the time of sample injection), the sample number, the sample loop temperature, the column temperature, carrier gas flow rate, chart speed, and the attenuator setting. From the chart, note the peak having the retention time corresponding to benzene, as determined in Section 7.2.1. Measure the benzene peak area, A_m , by use of a disc integrator, electronic integrator, or a planimeter. Record A_m and

the retention time. Repeat the injection at least two times or until two consecutive values for the total area of the benzene peak do not vary more than 5 percent. Use the average value of these two total areas to compute the bag concentration.

6.5 Determination of Bag Water Vapor Content. Measure the ambient temperature and barometric pressure near the bag. From a water saturation vapor pressure table, determine and record the water vapor content of the bag as a decimal figure. (Assume the relative humidity to be 100 percent unless a lesser value is known.)

7. Preparation of Standard Gas Mixtures, Calibration, and Quality Assurance

7.1 Preparation of Benzene Standard Gas Mixtures. (Optional procedure—delete if cylinder standards are used.) Assemble the apparatus shown in Figure 110-2. Evacuate a 50-L Tedlar or aluminized Mylar bag that has passed a leak check (described in Section 7.3.2) and meter in about 50 L of nitrogen. Measure the barometric pressure, the relative pressure at the dry gas meter, and the temperature at the dry gas meter. While the bag is filling, use the 10 μ L syringe to inject 10 μ L of 99+ percent benzene through the septum on top of the impinger. This gives a concentration of approximately 50 ppm of benzene. In a like manner, use the other syringe to prepare dilutions having approximately 10 ppm and 5 ppm benzene concentrations. To calculate the specific concentrations, refer to Section 8.1. These gas mixture standards may be used for 7 days from the date of preparation, after which time preparation of new gas mixtures is required. (Caution: If the new gas mixture standard is a lower concentration than the previous gas mixture standard, contamination may be a problem when a bag is reused.)

7.2 Calibration.

7.2.1 Determination of Benzene Retention Time. (This section can be performed simultaneously with Section 7.2.2.) Establish chromatograph conditions identical with those in Section 6.4, above. Determine proper attenuator position. Flush the sampling loop with zero helium or nitrogen and activate the sample valve. Record the injection time, the sample loop temperature, the column temperature, the carrier gas flow rate, the chart speed, and the attenuator setting. Record peaks and detector responses that occur in the absence of benzene. Maintain conditions, with the equipment plumbing arranged identically to Section 6.3, and flush the sample loop for 30 sec at the rate of 100 mL/min with one of the benzene calibration mixtures. Then activate the sample valve. Record the injection time. Select the peak that corresponds to benzene. Measure the distance on the chart from the injection time to the time at which the peak maximum occurs. This distance divided by the chart speed is defined as the benzene peak retention time. Since it is quite likely that there will be other organics present in the sample, it is very important that positive identification of the benzene peak be made.

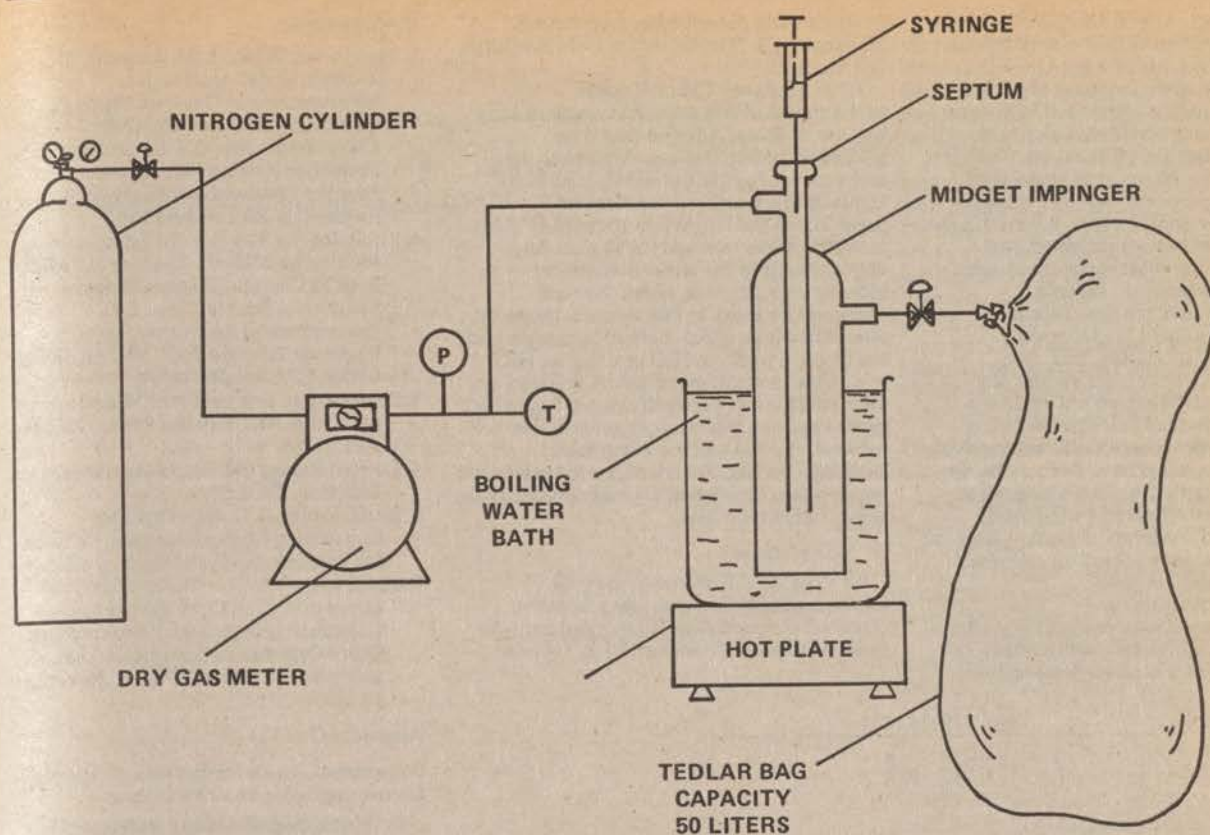


Figure 110-2. Preparation of benzene standards (optional).

Question.

7.2.2 Preparation of Chromatograph Calibration Curve. Make a gas chromatographic measurement of each standard gas mixture (described in Section 5.2.3 or 7.1.1) using conditions identical with those listed in Sections 6.3 and 6.4. Flush the sampling loop for 30 sec at the rate of mL/min with one of the standard gas mixtures and activate the sample valve. Record C_c , the concentration of benzene injected, the attenuator setting, chart speed, peak area, sample loop temperature, column temperature, carrier gas flow rate, and retention time. Record the laboratory pressure. Calculate A_c , the peak area multiplied by the attenuator setting. Repeat until two consecutive injection areas are within 5 percent, then plot the average of those two values versus C_c . When the other standard gas mixtures have been similarly analyzed and plotted, draw a straight line through the points derived by the least squares method. Perform calibration daily, or before and after each set of bag samples, whichever is more frequent.

7.3 Quality Assurance.

7.3.1 Analysis Audit. Immediately after the preparation of the calibration curve and before the sample analyses, perform the

analysis audit described in Appendix E, Supplement B: "Procedure for Field Auditing GC Analysis."

7.3.2 Bag Leak Checks. While performance of this section is required after bag use, it is also advised that it be performed before bag use. After each use, make sure a bag did not develop leaks by connecting a water manometer and pressurizing the bag to 5 to 10 cm H₂O (2 to 4 in. H₂O). Allow to stand for 10 min. Any displacement in the water manometer indicates a leak. Also, check the rigid container for leaks in this manner. (Note: an alternative leak check method is to pressurize the bag to 5 to 10 cm H₂O or 2 to 4 in. H₂O and allow to stand overnight. A deflated bag indicates a leak.) For each sample bag in its rigid container, place a rotameter in line between the bag and the pump inlet. Evacuate the bag. Failure of the rotameter to register zero flow when the bag appears to be empty indicates a leak.

8. Calculations

8.1 Optional Benzene Standards Concentrations. Calculate each benzene standard concentration (C_c in ppm) prepared in accordance with Section 7.1 as follows:

$$C_c = \frac{B(0.2706)(10^3)}{V_m Y \frac{293}{T_m} \frac{P_m}{760}} \quad (110-1)$$

where:

- B = Volume of benzene injected, microliters.
 V_m = Gas volume measured by dry gas meter, liters.
 Y = Dry gas meter calibration factor, dimensionless.
 P_m = Absolute pressure of the dry gas meter, mmHg.
 T_m = Absolute temperature of the dry gas meter, °K.
 0.2706 = Ideal gas volume of benzene at 293° K and 760 mmHg L/mL.
 10^3 = Conversion factor [(ppm)(mL)/μL].

8.2 Benzene Sample Concentrations. From the calibration curve described in Section 7.2.2 above, select the value of C_c that corresponds to A_c . Calculate the concentration of benzene in the sample (C_s in ppm) as follows:

$$C_s = \frac{C_c P_r T_i}{P_i T_r (1 - S_{wb})} \quad (110-2)$$

where:

- C_s = Concentration of benzene in the sample, ppm.
 C_c = Concentration of benzene indicated by the gas chromatograph, ppm.
 P_r = Reference pressure, the barometric pressure recorded during calibration, mmHg.
 T_i = Sample loop temperature at the time of analysis, °K.
 P_i = Barometric pressure at time of analysis, mmHg.
 T_r = Reference temperature, the sample loop temperature recorded during calibration, °K.
 S_{wb} = Water vapor content of the bag sample, volume fraction.

9. References

1. Fairheller, W. R., A. M. Kemmer, B. J. Warner, and D. Q. Douglas. Measurement of Gaseous Organic Compound Emissions by Gas Chromatography. U.S. Environmental Protection Agency. EPA Contract Number 68-02-1404. January 1978. Revised by EPA August 1978.
2. Knoll, Joseph E., Wade H. Penny, and Rodney M. Midgett. The Use of Tedlar Bags to Contain Gaseous Benzene Samples at Source Level. U.S. Environmental Protection Agency. Research Triangle Park, N.C. Monitoring Series, EPA-600/4-78-057. October 1978.
3. Supelco, Inc. Separation of Hydrocarbons. Bellefonte, Pa. Bulletins 743A, 740C, and 740D. 1974.
4. Current Peaks. 10:1. Carle Instruments, Inc. Fullerton, Calif. 1977.
5. Knoll, Joseph E. Communications Concerning Chromatographic Columns for Benzene Analysis. October 18, 1977.
6. Knoll, Joseph E. Communications Concerning Gas Chromatographic Columns for Separating Benzene From Other Organics in Cumene and Maleic Anhydride Process Effluents. November 10, 1977.

Appendix C**Supplement A—Determination of Adequate Chromatographic Peak Resolution**

In this method of dealing with resolution, the extent to which one chromatographic peak overlaps another is determined.

For convenience, consider the range of the elution curve of each compound as running from -2σ to $+2\sigma$. This range is used in other resolution criteria, and it contains 95.45 percent of the area of a normal curve. If two peaks are separated by a known distance, b , one can determine the fraction of the area of one curve that lies within the range of the other. The extent to which the elution curve of a contaminant compound overlaps the curve of a compound that is under analysis is found by integrating the contaminant curve over limits $b-2\sigma_s$ to $b+2\sigma_s$, where σ_s is the standard deviation of the sample curve.

There are several ways this calculation can be simplified. Overlap can be determined for curves of unit area; then actual areas can be introduced. The desired integration can be resolved into two integrals of the normal distribution function for which there are convenient calculation programs and tables. An example would be Program 15 in Texas Instruments Program Manual ST1, 1975, Texas Instruments, Inc., Dallas, Texas 75222.

$$\frac{1}{\sqrt{2\pi}\sigma_c} \int_{b-2\sigma_s}^{b+2\sigma_s} e^{-\frac{t_c^2}{2\sigma_c^2}} dt = \frac{1}{\sqrt{2\pi}} \int_{\frac{b-2\sigma_s}{\sigma_c}}^{\frac{b+2\sigma_s}{\sigma_c}} e^{-\frac{x^2}{2}} dx = \frac{1}{\sqrt{2\pi}} \int_{\frac{b-2\sigma_s}{\sigma_c}}^{\frac{b+2\sigma_s}{\sigma_c}} e^{-\frac{x^2}{2}} dx.$$

The following calculation steps are required:*

1. $2\sigma_s = t_s/\sqrt{2 \ln 2}$
2. $\sigma_c = t_c/2\sqrt{2 \ln 2}$
3. $x_1 = (b-2\sigma_s)/\sigma_c$
4. $x_2 = (b+2\sigma_s)/\sigma_c$
5. $Q(x_1) = \frac{1}{\sqrt{2\pi}} \int_{x_1}^{\infty} e^{-\frac{x^2}{2}} dx$
6. $Q(x_2) = \frac{1}{\sqrt{2\pi}} \int_{x_2}^{\infty} e^{-\frac{x^2}{2}} dx$
7. $I_o = Q(x_1) - Q(x_2)$
8. $A_o = I_o A_c / A_s$
9. Percentage overlap = $A_o \times 100$

where

- A_s = The area of the sample peak of interest determined by electronic integration, or by the formula $A_s = h_s t_s$.
- A_c = The area of the contaminant peak, determined in the same manner as A_s .
- b = The distance on the chromatographic chart that separates the maxima of the two peaks.
- h_s = The peak height of the sample compound of interest, measured from the average value of the baseline to the maximum of the curve.
- t_s = The width of the sample peak of interest at 1/2 of peak height.
- t_c = The width of the contaminant peak at 1/2 of peak height.
- σ_s = The standard deviation of the sample compound of interest elution curve.
- σ_c = The standard deviation of the contaminant elution curve.
- $Q(x_1)$ = The integral of the normal distribution function from x_1 to infinity.
- $Q(x_2)$ = The integral of the normal distribution function from x_2 to infinity.
- I_o = The overlap integral.
- A_o = The area overlap fraction.

*In most instances, $Q(x_2)$ is very small and may be neglected.

In judging the suitability of alternate gas chromatographic columns, or the effects of altering chromatographic conditions, one can employ the area overlap as the resolution parameter with a specific maximum permissible value.

The use of Gaussian functions to describe chromatographic elution curves is widespread. However, some elution curves are highly asymmetric. In those cases where the sample peak is followed by a contaminant that has a leading edge that rises sharply but the curve then tails off, it may be possible to define an effective width for t_c as "twice the distance from the leading edge to a perpendicular line through the maxim of the contaminant curve, measured along a perpendicular bisection of that line."

Supplement B—Procedure for Field Auditing GC Analysis

Responsibilities of audit supervisor and analyst at the source sampling site include the following:

A. Check that audit cylinders are stored in a safe location both before and after the audit to prevent vandalism of same.

B. At the beginning and conclusion of the audit, record each cylinder number and cylinder pressure. Never analyze an audit cylinder when the pressure drops below 200 psi.

C. During the audit, the analyst is to perform a minimum of two consecutive analyses of each audit cylinder gas. The audit must be conducted to coincide with the analysis of source test samples. Normally, it will be conducted immediately after the GC calibration and prior to the sample analyses.

D. At the end of audit analyses, the audit supervisor requests the calculated concentrations from the analyst and then compares the results with the actual audit concentrations. If each measured concentration agrees with the respective actual concentration within ± 10 percent, he then directs the analyst to begin the analysis of source samples. Audit supervisor judgment and/or supervisory policy determine course of action with agreement is not within ± 10 percent. Where a consistent bias in excess of 10 percent is found, it may be possible to proceed with the sample analyses, with a corrective factor to be applied to the results at a later time. However, every attempt should be made to locate the cause of the discrepancy, as it may be misleading. The audit supervisor is to record each cylinder number, cylinder pressure (at the end of the audit), and all calculated concentrations. The individual being audited must not under any circumstance be told the actual audit concentrations until the calculated concentrations have been submitted to the audit supervisor.

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FIELD AUDIT REPORT

PART A - To be filled out by organization supplying audit cylinders

1. Organization supplying audit sample(s) and shipping address _____
2. Audit supervisor, organization, and phone number _____
3. Shipping instructions: Name, Address, Attention _____
4. Guaranteed arrival date for cylinders _____
5. Planned shipping date for cylinders _____
6. Details on audit cylinders from last analysis

	Low Conc.	High Conc.
a. Date of last analysis	_____	_____
b. Cylinder number	_____	_____
c. Cylinder pressure, psi	_____	_____
d. Audit gas(es)/balance gas	_____	_____
e. Audit gas(es) ppm	_____	_____
f. Cylinder construction	_____	_____

PART B - To be filled out by audit supervisor

1. Process sampled _____
2. Location of audit _____
3. Name of individual audited _____
4. Audit date _____
5. Audit results

a. Cylinder number	_____	Low Conc. Cylinder	_____	High Conc. Cylinder	_____
b. Cylinder pressure before audit, psi	_____	_____	_____	_____	_____
c. Cylinder pressure after audit, psi	_____	_____	_____	_____	_____
d. Measured concentration, ppm	_____	_____	_____	_____	_____
Injection #1*	_____	_____	_____	_____	_____
Injection #2*	_____	_____	_____	_____	_____
Average*	_____	_____	_____	_____	_____
e. Actual audit concentration, ppm (Part A, 6e)	_____	_____	_____	_____	_____
f. Audit accuracy*	_____	_____	_____	_____	_____
Low Conc. Cylinder	_____	_____	_____	_____	_____
High Conc. Cylinder	_____	_____	_____	_____	_____
*Percent accuracy = $\frac{\text{Measured Conc.} - \text{Actual Conc.}}{\text{Actual Conc.}} \times 100$	_____	_____	_____	_____	_____
g. Problems detected (if any)	_____	_____	_____	_____	_____

*Results of two consecutive injections that meet the sample analysis criteria of the test method.

[FR Doc. 80-11063 Filed 4-17-80; 8:45 am]

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Federal Register

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Friday, April 18, 1980

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of

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REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

INTERIOR DEPARTMENT

Fish and Wildlife Service—

17862 3-19-80 / Seizure and forfeiture procedures

NATIONAL CREDIT UNION ADMINISTRATION

17565 3-19-80 / Availability of information: public observation of Board meetings; Government in the Sunshine Act

17568 3-19-80 / Rules of Board procedure

Rules Going Into Effect April 19, 1980

INTERIOR DEPARTMENT

Fish and Wildlife Service—

18009 3-20-80 / Listing with endangered status for five species of foreign reptiles

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last Listing April 16, 1980

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1979)

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_____	Title 47—Telecommunication (Part 80 to end)	8.00	_____
_____	Title 50—Wildlife and Fisheries	8.00	_____
		Total Order	\$ _____

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